



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

**2024 Report
on the National Preventive Mechanism Activities**

Baku - 2025

The report provides information on the activity, proposed recommendations and proposals made by the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, carrying out national preventive mechanism, derived from the United Nations (UN) Convention against Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment (hereinafter the Torture Convention) for the period of 2024 year.

When the national preventive mechanism activities were implemented, the recommendations and suggestions made by the Committee for the Prevention of Torture (CAT), the Subcommittee on Prevention of Torture (SPT), European Committee for the Prevention of Torture (CPT), the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Committee on the Rights of the Child (CRC), the Committee on the Rights of Persons with Disabilities (CRPD), and recommendations by the UN Human Rights Council Universal Periodic Review (UPR) Working Group to the periodic state reports of Azerbaijan were considered.

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FOREWORD

According to the Optional Protocol of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan further improved its functions as an institution designated as a national preventive mechanism (NPM).

On an annual basis, within her NPM mandate, the Ombudsman expanded cooperation with state institutions, civil society organizations, media subjects, as well as international and regional organizations, Ombudspersons from other countries, and national human rights institutions.

Pertinent to the legislative requirements, the Ombudsman and the members of her National Preventive Group (NPG) are entitled to access places where detainees cannot leave at their own will at any time, without hindrance and prior notification; to meet and converse with detainees, as well as any other person who can provide relevant information, one-on-one or, if deemed necessary, with the presence of a specialist or an interpreter; to review and obtain copies of all documents confirming the legality of the detention of detainees or former detainees, as well as those related to the treatment and the conditions of their detention; to draw up a report and document the progress and results of the actions undertaken; to make photo, audio, and video recordings using technical means; to be promptly received by the heads of those establishments; to make relevant recommendations to the competent state bodies and receive responses to those recommendations within the specified time.

The main idea of the present report is to develop an independent and regular monitoring system for the purpose of inspection of treatment and detention conditions of detainees held in all places where persons cannot leave at their own will as the most effective method for the prevention of torture.

In this light, in accordance with the Optional Protocol, the report, which was prepared on the basis of final conclusions of the year, covers the activities of the Azerbaijani NPM for 2024, including the work carried out, the preventive visits and their outcomes, the suggestions and recommendations, the status of their implementation, and other activity directions implemented by the NPM.

I hope this report and our recommendations and suggestions will contribute to the further improvement of the activities in different directions.

We thank you in advance for the recommendations to be made in relation to this report.

Sabina Aliyeva

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

LIST OF USED DEFINITIONS AND ACRONYMS

- AR** - The Azerbaijan Republic
- BPF** - Baku Pre-trial Detention Facility
- CAO** - Code of Administrative Offences of the Republic of Azerbaijan
- CAT** - United Nations Committee against Torture
- CC** - Criminal Code of the Republic of Azerbaijan
- CDPO** - City District Police Office
- Constitutional Law** - Constitutional Law on the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan
- Convention against torture** - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- CPT** - European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
- DCAAP** - Detention Center for Administratively Arrested Persons
- Detainee** - person deprived of his/her liberty
- 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 on his/her will by order of any judicial, administrative or other authority
- DPD** - District Police Department
- DPO** - District Police Office
- EctHR** - European Court of Human Rights
- II** - Investigation Isolator
- MIA** - Ministry of Internal Affairs of the Republic of Azerbaijan
- MLSP** - Ministry of Labor and Social Protection of Population of the Republic of Azerbaijan
- NPG** - National Preventive Group of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan
- NPM** - National Preventive Mechanism against Torture, specified under the OPCAT
- MM** - Mass media
- Office** - Office of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan
- Ombudsman** - Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan
- OPCAT/OP** - Optional Protocol to the Convention against torture, and other cruel or degrading treatment or punishment
- OSCE** - Organization for Security and Cooperation in Europe
- PI** - Penitentiary institution
- Place of deprivation of liberty** - any place where a person is not permitted to leave at own will or can be detained
- PS** - Penitentiary Service of the Ministry of Justice of the Republic of Azerbaijan
- SSS** - State Security Service of the Republic of Azerbaijan
- SPT** - UN Subcommittee on Prevention of Torture and Inhuman or Degrading Treatment and Punishment
- TDP** - Temporary detention place / Place of temporary detention
- Torture** - Torture and other cruel, inhuman or degrading treatment or punishment
- UN** - United Nations

CHAPTER 1.

LEGAL BASIS OF THE NATIONAL PREVENTIVE MANDATE

1.1. The OPCAT requirements

In 2023, the Commissioner for Human Rights (Ombudsman) of the Azerbaijan Republic successfully continued its work as an institution implementing the functions of the NPM as specified in the OP.

As is well-known, the purpose of the OP is to develop an implementation mechanism for conducting visits to places of deprivation of liberty by independent international and national institutions to prevent torture. The OP underlines the significance of constructive dialogue and specifies a preventive-avoidance attitude rather than a reactive approach to regulated attitudes. The innovativeness of the OP is also evident in that it does not introduce any new rights or standards, nor does it aim to restore violated rights; instead, it focuses on preventing violations of an existing standard, specifically the right to freedom from torture.

The main idea of the noted document is to develop a system of independent and regular visits to monitor the treatment standards and detention conditions of all those who are held in places of deprivation of liberty as the most convenient method of preventing torture. According to the OP, international and national institutions having a preventive mandate, which include the Sub-Committee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), are set up. The SPT is a new treaty body in the UN system.

In compliance with Article 17 of the OP, the NPM, which shall be maintained, designated, or established by each State Party at the latest one year after the entry into force of the present Protocol or of its ratification or accession under the respective norm, conducts regular visits to places where persons are deprived of their liberty at the national level to monitor the treatment issues and detention conditions.

The NPM mandate covers, at a minimum, the following:

- to regularly examine the issues related to the detainees;
- to make recommendations to the relevant authorities in a view to improving the treatment and detention conditions of detainees and preventing torture, taking into account the relevant UN norms;
- to make recommendations and observations concerning existing or draft legislation;

The guarantee of the functional independence of the NPMs as well as the independence of their personnel is the main precondition to fulfill the mandate.

The OP grants the NPMs the following main powers:

- to access to all information concerning the number, treatment, and condition of persons deprived of their liberty in places of detention, as well as the number of places and their location;
- to access to all places of detention and their installations and facilities;
- to have private interviews with the people deprived of their liberty without witnesses, as well as with any other person who may supply relevant information;
- to choose the places they want to visit and the persons they want to interview without any hindrance;
- to have contacts with the SPT, to send it information, and to meet with it.

1.2. National Legislative Framework

The Republic of Azerbaijan signed the OP on September 15, 2005, and ratified it by Law dated December 2, 2008.

Since the relevant law has been officially published, that is, since January 15, 2009, the OP has entered into force in relation to Azerbaijan.

By the relevant Presidential Order of the Republic of Azerbaijan, the Commissioner for Human Rights (Ombudsman) was designated as an institution responsible for carrying out the national preventive mechanism functions as stated in the OP.

By making additions and amendments to the Constitutional Law, the scope of the power of the Ombudsman, as well as its independence were brought into conformity with NPM standards as stated in the OP; also, the transparent procedures for the establishment of the NPG, and the requirements for its candidates were also identified, along with matters on guarantees for their rights and impunity.

According to the Constitutional Law, the Ombudsman and NPG have the right to access any state and municipal body, military units, police stations, temporary detention places, investigation isolators (pre-trial detention facilities), penitentiary institutions, military guardhouses, psychiatric institutions and other places, where detained persons cannot leave on their own will; to meet privately or when deemed necessary with participation of an expert or interpreter and interview in private detained persons, and any other persons who may provide relevant information; to get acquainted with and obtain copies of the documents confirming the lawfulness of detention and providing information on treatment and conditions of detention of persons mentioned above; and to prepare acts and document the process and the results of the actions undertaken without hindrance and prior notification. The power of the Commissioner to provide relevant recommendations to the competent authorities and to receive responses to these recommendations within the identified time limits is also proclaimed by the abovementioned law.

In the past period, the legislative acts were improved, and the powers mentioned above, which were granted to the Commissioner and the NPG, were also identified in the legal and normative acts in a timely manner with a view to effectively organizing their work.

Under the OP, the Commissioner has considered the recommendations made by the UN Human Rights Council UPR Working Group regarding Azerbaijan's periodic reports, along with the recommendations and suggestions from the CAT, SPT, and CPT for effective organizing the NPM work.

1.3. NPM Activity Directions

The activity of the Azerbaijani NPM encapsulates the following four main directions:

- **Preventive visits** – refer to visits carried out in a regular, scheduled, and unscheduled manner and without prior notice to places where persons cannot leave on their own will;

- **Legal analysis** – refers to theoretical and practical analyses of the relevant work, information, recommendations, and suggestions, the existing and draft legislative acts; summing up the results and producing the relevant recommendations;

- **Legal education** – is the process of organizing legal education operations for the HRCA staff, NPG members, employees of the places, where persons cannot leave on their own will, persons held in those places and student-attendants of the relevant education institutions and academies as well as preparing and dispensing visual materials to promote activities for the prevention of torture;

- **Public affairs and international cooperation** – refer to the exchange of information with national, regional, and international organizations, as well as with NPMs of other countries, mutual participation at events, the organization of joint events, and the promotion of NPM activities in the media.

CHAPTER 2.

NPM ACTIVITY AND PREVENTIVE VISITS

2.1. Organization of Preventive Visits

According to Article 20 paragraph (a) of the OP, to enable the national preventive mechanisms to fulfill their mandate, the States Parties undertake to provide information on the number of persons deprived of their liberty in places of detention, as well as the number of places and their location, as stated in Article 4 of the OP.

Such information is obtained from the relevant public institutions based on the Ombudsman's request, and based on those requests, the annual work plan is drafted and the visits are conducted accordingly. If it is deemed necessary at the end of the year, the information for the next year is updated by making clarifications with the relevant authorities.

The preventive visits, which may be divided into two groups: scheduled and ad-hoc visits, are carried out without prior notice.

2.1.1. Scheduled visits

The scheduled visits are conducted in line with the annual plan approved by the Ombudsman. The draft of the annual plan for the upcoming year is discussed by the NPG members at the end of each year, the outcomes are recorded, and the approved plan is presented to the Commissioner for approval. The confidentiality of the annual work plan is critical for the effectiveness of the visits. Therefore, confidentiality is ensured by the NPG Members.

The sequence of inclusion of this or another facility into the work plan and the repeated visits there are carried out on the basis of the specificity of the type of that particular facility, records of its general condition and treatment in previous years, its territorial compatibility, as well as the information taken from analyses of the complaints received by the Ombudsman.

The length of visits depends on the size of the institution, the number of persons in the place of deprivation of liberty, the type of facility visited and other specificities, as well as the number of NPG Members.

2.1.2. Ad hoc visits

The ad-hoc visits are mainly conducted to follow-up on the implementation status of previously given recommendations, and to prevent persecution of those who provide information to NPG Members in one form or another, as well as analyses of the information given by the persons about the place of detention, where s/he was previously held, and complaints received by the Commissioner or hotline (Call Center), to investigate the information reported to the NPG members, to check on site the information spread through media and other issues interesting to the preventive group members, and also in other cases when the Commissioner deems it necessary.

2.2. Conducting visits

The effectiveness of the visits mainly requires three phases. So that, taking account of that, the NPM of Azerbaijan conducts its visits at the three-stage mentioned below:

- **First phase**-preparation;
- **Second phase**-conducting a visit;
- **Third phase** - post visit (follow-up) phase

The preparation phase usually takes two working days, including collecting the necessary information, identifying the objectives of the visit, and assigning the personnel of the monitoring delegation members.

During this phase, in the process of collecting necessary data, the information received during previous visits or taken from other sources, the applications received by the Ombudsman, the sources spread through media and social networks, as well as the national legal and normative framework regulating the activity of the institution to be visited, and international standards are analyzed.

The objectives of a visit are determined on the basis of the general assessment of detention conditions and treatment standards, the study of specific cases related to detention conditions and treatment (e.g., the institution of disciplinary measures, the quality of health services etc.), follow-up activities, such as checking the status of removal or failure to remove the findings of previous visits and the implementation of the recommendations previously made, and the definition of the scope of the questions of special importance and other issues.

The factors such as the number of members, their specialization, sex, etc. and others are considered when the composition of the monitoring delegation is determined, and depending on the objective of the visit, the list of facilities to be visited and questionnaires, templates for the interview records with prisoners, questionnaire templates, and others are prepared.

Conducting a visit encompasses a number of stages:

First, an initial talk is held with the administration of the facility, during such a conversation, group members introduce themselves, and explain the purpose of the visit. Afterwards, some general information about the facility is obtained.

After the initial talk with the administration of the facility, group members monitor the area. In the course of this, conditions of detention in the facility, including the condition, size, capacity (occupancy), actual location, lightening, ventilation, and furniture supply of its building, individual cells or rooms, personal hygienic and sanitary conditions, nutrition issues, the access to medical care, etc., are evaluated.

Later, the documentation is reviewed, and interviews with the persons deprived of their liberty are held in a collective, private, or confidential manner. Such interviews mainly depend on the objective of the visit. Taking account of the situation, the NPG members can determine the technique of the questioning or can make corrections to the preliminary agreement on the spot.

A talk with the facility staff is also an essential part of a visit. The NPG members organize interviews with the staff members in charge in order to evaluate their approach to treating persons deprived of their liberty. In some cases, the NPG also uses special questionnaires prepared for the facility personnel along with the interviews.

At the end of the visit, the NPG members held a final talk with the chief of the monitored facility to alert him of the findings. The administration is also informed about the issues that can be fixed locally, and relevant recommendations are given. Furthermore, the administration is informed that the findings will be reported to the higher-instance authority.

According to the international experience, measures implemented after the visit are more important than the visit itself. The objective of the NPM is not only to conduct a visit to places of deprivation of liberty but also to take measures for improving the treatment and detention conditions of individuals held there. That is the reason why the NPM of Azerbaijan takes the view that the post-visit phase is more critical than the visit itself.

Therefore, after the visit, a final report on the findings is prepared, and the relevant bodies are given recommendations on how to improve treatment standards and detention conditions.

Typically, when deemed necessary by the NPG members, a repeat visit is appointed and conducted to the facility shortly after the previous one to follow-up on the implementation of recommendations previously given.

2.2.1. Institutions of the Ministry of Internal Affairs

During 2024, within the NPM mandate of the Ombudsman, ninety (90) scheduled and ad hoc visits to the temporary detention places (TDP) and police stations substantiated that the police offices and departments of the Ministry of Internal Affairs (MIA) were conducted.

Treatment, custody conditions, and documentation were monitored during the visits. The administration and staff of these facilities were legally educated to ensure that the rights of detainees, including the right to be free from torture or ill-treatment, the right to appeal, and the right to legal assistance, etc. were well-respected and to prevent the instances of ill-treatment in the future.

The relevant Ministry was addressed regarding the defects and shortages found, and recommendations and suggestions were made. According to the response of the Ministry, some shortages were eliminated, and the heads of territorial police authorities were given additional instructions to keep the situation under control.

By the Ombudsman's instructions, the NPG members conducted a visit to the **temporary detention place (TDP) and police department (PD) No. 22 of the Nasimi District Police Office.**

During the visit to the TDP of the Nasimi DPO, two detainees were interviewed in a confidential manner, and their requests were listened to, and the application of Ilya Dyachenko was accepted out of them. The interviewed detainees did not complain about their custody conditions and treatment. However, they raised concerns about the non-objectivity of their criminal proceedings.

In the course of the monitoring, the TDP was newly repaired, the custody conditions met applicable international standards, and the cells were clean.

In addition, the registry books regarding detainees, medical registers of detainees, and other related documentation were checked, and recommendations were made to further improve the documentation.

An inspection was conducted at PD No. 22 of the Nasimi DPO, including the detention facility. During the inspection, the detention area was observed to be unclean, anti-sanitary standards were not properly complied with, and ventilation was inadequate.

At the end of the visit, a meeting was held with the administration of the office and department, where the corresponding recommendations were provided regarding custody conditions, treatment, and the improvement of the registers in the department.

A visit to **the Surakhani District PO and the police department No. 30 of the same PO, as well as police stations 32 and 33.**

During the inspection of TDP cells in the Surakhani DPO, it was found that a first-time suspect was held together with a former person who had previously been deprived of

liberty, and subsequently, the police staff was informed of the requirements of the legislation in this regard.

During the conversations with the administration and staff of the detention facility, in some cases, they reported that they were unaware of the requirement for separation of such persons.

In addition, it was found that there was no information board about the personal rights in some cells of the TDP of the Surakhani DPO, and the electric lamp in one cell was not working.

It was recommended covering the roof of 1/3 of the outdoor yard to protect from the sunlight and rain.

Several persons interviewed at the TDP stated that, upon admission to the facility, they were not subjected to any medical examination and had not seen a doctor at all. The detainees also noted that they had not been provided with hygiene items such as soap, toothpaste, and a toothbrush. This constitutes a violation of the internal disciplinary rules.

It was determined that the detention facility of Police Department No. 30 of the Surakhani DPD was in an unsanitary condition and that there was no lighting in one of the cells.

The NPG members had no access to registers for those brought to custody at City, District, and Line Police bodies. The head of the department explained this fact by stating that the register was kept in the deputy's office.

The NPG Members observed that the administrative building of Police Department No. 32 was not compliant with modern standards. The existing detention facility was tiny, poorly lit, and designed for single occupancy. The Group Members identified a number of shortcomings in the facility's registers. In particular, the records regarding Nos. 292–294, 304, and 305 in the register for persons brought to the custody at the PD were incomplete, with the reasons for bringing the persons and the corresponding times not indicated.

Although the conditions of the detention facility at police station No. 33 are considered satisfactory, it lacked windows.

During a visit to the **TDP of the Narimanov DPD**, detainees interviewed by the MPG members reported that they had not undergone a medical examination from the moment of their detention. Some detainees also requested the installation of a wall clock in their cells. The presence of a wall clock would help detainees keep track of time, including meal times, medication intake, and prayer.

During the visit, it was found that persons detained by the State Border Service are also brought to this TDP. This situation creates certain difficulties for foreign nationals who do not speak Azerbaijani. The interpretation services are essential to ensure more effective protection of the rights of such persons.

It was observed that the detention facility at police station No. 17 of the department concerned lacks both natural and artificial lighting and that unsanitary conditions prevail. It should be noted that the absence of lighting in the holding area creates a risk of inhuman treatment. Furthermore, records regarding Nos. 991, 992, and 993 in the register for persons brought to the facility were not fully completed. In some cases, the grounds for detention were not fully indicated.

As part of its mandate, the Ombudsman's NPG members conducted scheduled visits to the **TDP of the Sumgayit DPD, as well as to police stations No. 1, 4, 5, and 6 under the same department.**

It was found that the recommendations made to address the shortcomings identified during previous visits had been overcome. Sports equipment had been installed in the outdoor yard, expired medicines are no longer stored in the medical room, and information boards outlining the rights of detainees had been displayed in the cells.

During the visit, which was also attended by the medical member of the NPG, it was observed that natural lighting in the cells was insufficient and that detainees were not provided with basic sanitary and hygiene items, such as soap and toothbrushes.

It was also observed that a person with no previous criminal record was held together with the former convict.

It was established that Police Station No.1 of the Sumgayit CPD was unclean, had poor lighting, and was in need of repair. In addition, it was found that the required official stamps were missing from certain registers here as well as at the police station No. 4 of the Sumgayit CPD.

The NPG Members inspected the entire area of the **TDP under the Ministry of Internal Affairs of the Nakhchivan Autonomous Republic**. They observed that in the facility, which has 11 cells and is designed for administrative detainees and criminal suspects held by the police for up to 48 hours within the territory of the Nakhchivan Autonomous Republic, there were 16 administratively detained persons. The NPG members interviewed them and explained to them the Ombudsman's competences.

The NPG Members conducted visits to the **TDP in the Gakh DPD**.

During the visit to the TDP, the NPG Members interviewed two detainees held in the facility. No inmates were discovered during the next visit to the facility.

It should be noted that the TDP did not have a storage room, prayer room, and meeting room. In addition, Sakhavat Bilalov, the head of the facility reported that the medical room is utilized for storage and prayer, while the investigative room is used for meetings.

During the review of documentation, it was established that records of telephone calls were not maintained and that the register regarding the removal of detained and arrested persons from cells was not completed in accordance with the accepted requirements. It was also found that, in the 5th section of the register of detainees in the TDP, the date and time indicating that detained or arrested persons had been informed of their rights and obligations were not recorded. Furthermore, upon examination of the register brought to city, district, and line police bodies, it was found that in a number of cases the grounds for detention, the detaining authority, the measures taken, or the destination to which the person was transferred, as well as the date and time of release (or transfer), had not been recorded.

A legal awareness-raising discussion was conducted with the management and responsible personnel of the TDP. Relevant recommendations were provided concerning detention conditions and documentation in line with national and international legislation.

During the subsequent visit to the facility, it was observed that the deficiencies and shortages previously identified in the TDP registers had been addressed.

The NPG visited the **TDP of the Balakan DPD**.

During the visit, the TDP cells, as well as the investigation, medical, identification, prayer, and meeting rooms, kitchen, outdoor yard, and shower room, were inspected. It was found that the cells were equipped with boards, tables, chairs, hangers, and information board outlining the rights and duties of detainees. It was also seen that the cells were adequately lit, sanitary facilities were functioning properly, and the upper cover of part of the outdoor yard was fitted with a metal sheet.

It was determined that the TDP does not have a locker room, and the prayer room is being used for this purpose.

The individuals held in the TDP were interviewed individually to examine detention conditions and treatment. Face-to-face discussions were conducted with them to assess the protection of their rights.

Finally, an awareness talk was held with the management and responsible staff of the TDP, and relevant recommendations for detention conditions and record-keeping in accordance with national and international legislation were provided.

At the **Temporary Detention Facility of the Zaqatala District Police Department**, it was observed that there is no dedicated storage room and that the existing cells lacked hangers.

No records of initial medical examinations were maintained in the medical examination registers or in the medical records of administrative detainees. The duty officer of the TDP, Police Sergeant Ravan Sadigov, stated that although requests had been submitted to the Zagatala District Emergency Medical Center for the conduct of initial medical examinations, medical personnel declined to attend and only arrived when urgent medical assistance was required.

During a visit to the **TDP in the Mingachevir City Police Department**, a number of shortcomings and deficiencies were identified.

It was determined that there was a strong odor in some cells of the TDP and that blistering was observed on the walls in certain areas.

It was determined that the MSY does not have dedicated storage or prayer rooms and that the meeting room is used for these purposes.

A review of the medical records of detainees revealed that three persons in administrative detention were examined by medical staff several days (4–7 days) after their placement in the TDP.

During the examination of the documentation, it was observed that some registers were incomplete, while others had not been maintained at all. In particular, no entries had been made in the register of sanitary and hygienic measures carried out at the facility since June 2024 (the visit took place on 22 October 2024). In addition, in certain cases, entries relating to the conduct of medical examinations and the provision of medical assistance were not made properly in the relevant register. In the register for the recording of items (food products and goods) brought in parcels, packages, and mail addressed to detained or arrested persons held at the TDP, the receipt of such items by the detained or arrested persons had not been confirmed by signature. Deficiencies were also observed in the registration of telephone calls, with information such as the date, time, and duration of calls not being recorded in certain cases.

The Ombudsman's NPG members carried out a visit to the **TDP of the Ismayilli DPD**.

During the visit to the TDP of the Ismayilli DPD, two detainees were received individually, and confidential interviews were conducted with them.

During the visit, the cells of the facility, as well as the investigation, medical, meeting, identification, and locker rooms for personal belongings, the kitchen, the outdoor yard, and the shower room were inspected. It was observed that no seating had been installed in the facility's outdoor yard.

During the examination of documentation, it was observed that the register of persons held at the TDP did not contain entries indicating whether a detainee had any prior criminal record. This circumstance raises the concerns that the separation of first-time and repeat offenders, as required by national and international standards, may not have been implemented, and that individuals committing different types of offences could have been held together.

It was observed that the register of telephone calls for detainees was also incomplete, as the date, time, and duration of calls were not being recorded.

At the end of the visit, the facility management conversed. The deficiencies identified, including those related to the outdoor yard and documentation, were brought to their attention, and relevant recommendations were provided.

The NPG Members carried out scheduled visits to the **TDP of the Agstafa DPD**.

During the visit to the facility, it was observed that the cells of the new building of the TDP of the Agstafa DPD, constructed in December 2022, met the necessary

requirements for detention conditions. The detainees were interviewed to assess the treatment, they did not complain regarding detention conditions, treatment, or food.

During the visit, documents confirming the lawfulness of the detention of individuals held at the facility, as well as those relating to their treatment and detention conditions, were examined. The cells were inspected, and documentation concerning food, medical assistance, outdoor activities, visits, telephone calls, and removal from the cell was reviewed. The existing needs of the detainees were also assessed.

During the inspection of the medical room at the facility, it was seen that the conditions necessary for the storage of medicines and for conducting medical examinations were in place. The conditions in the prayer, investigation, and meeting rooms in the facility were also found to be satisfactory.

It was found that the amount allocated for the daily meals of persons held at the facility of the Agstafa DPD, amounting 3.54 AZN (three manat fifty-four qepik), is insufficient to provide detainees with three quality meals per day, considering current market prices. While the police department management stated that they personally cover the deficit, this made necessary to raise the allocated funds to ensure that detainees receive meals in line with the legally established dietary and living standards.

According to Article 20.1 of the Law of the Republic of Azerbaijan 'On Ensuring the Rights and Freedoms of Persons Held in Places of Detention,' detained or arrested persons are provided with free meals three times a day that meet modern hygiene standards and nutritional requirements, in accordance with the dietary and material norms established by the relevant executive authority.

Given this, it is recommended that the funds allocated be increased to ensure that detainees receive quality meals three times a day.

According to Article 15.1.22 of the Law 'On Ensuring the Rights and Freedoms of Persons Held in Places of Detention,' detained or arrested persons are entitled to receive free psychological assistance in accordance with the procedures established by the Law of the Republic of Azerbaijan 'On Psychological Assistance.'

According to Clause 4.3.2 of the 'Rules and Conditions for the Provision of Free Psychological Assistance,' approved by the Cabinet of Ministers' Decision No. 398 dated 16 October 2020, psychological assistance for detained or arrested persons considers complex measures for addressing moral and psychological trauma, shock, depression, stress, crisis situations, and other forms of psychological tension experienced by them.

Furthermore, according to Paragraph 4.3.3 of these rules, psychological assistance to detained or arrested persons is to be provided by psychologists at the places of detention.

However, during the visits to the facility, it was found that, despite the legislative requirements, there are no psychologists or other relevant specialists in the Agstafa DPD to provide free psychological assistance to detainees or arrested persons.

During the visit to the TDP of the Guba DPD, the head of the facility stated that personnel of the 103 Medical Service respond only in cases where urgent medical assistance is required for individuals held at the facility. In other situations, including when individuals are admitted to the facility, it is not possible to conduct an initial medical examination.

Despite objections raised in previous visits, it was found that, contrary to the requirements of Article 2.15 of the Internal Disciplinary Rules of TDP, approved by Cabinet of Ministers' Decision No. 63 of the Republic of Azerbaijan dated 26 February 2014, the detainees were strip-searched upon their admission to the TDP.

During inspections of the cells, it was found that there were no bedding (mattresses) in some of them.

Deficiencies were also identified in the documentation and registration procedures in the facility. In some registers contained corrections, and in certain cases, the stamping of

records was merely formal (e.g., although the registers were laced, the pages were not numbered, and the total page count was not indicated.)

The existing pharmaceutical supply was found to be insufficient, necessitating improvements and an expansion of available medications.

Members of the NPG of the Ombudsman conducted a monitoring visit to the **TDP of the Gusar DPD**.

During the visit, the medical-sanitary unit in the facility, cells, kitchen, and other administrative areas were inspected, and the current arrangements and records concerning medical care, meals, drinking water, hot and cold water supply, outdoor exercise, visits, and telephone access were reviewed.

For the purpose of examining treatment-related issues, the NPG members interviewed seven detainees confidentially, and the issues they raised, as well as the protection of their rights, were investigated immediately in the facility.

The detention facility's conditions were generally in line with standards. Cells were equipped as required, sanitary facilities met hygiene norms, hot and cold water was available, and corridors and exercise areas are covered by CCTV.

During the visit, it was observed that a first-time offender was being held together with a former detainee, in violation of legislation.

No information boards on detainees' rights and duties were displayed in the cells, and mattresses were not available.

Review of documentation revealed that some medical records lacked entries on admission, the detention protocol for N.Sh. was not stamped, and the court decision on the preventive measure of arrest was not attached.

At the end of the visit, all deficiencies and shortcomings were discussed with the management of the facility, and recommendations for their remediation were provided.

The NPG Members conducted a visit to the **TDP in the Khachmaz DPD**.

During the monitoring, the medical unit, cells, kitchen, and administrative areas were inspected, and the provision of medical care, meals, water supply, outdoor exercise, visits, and telephone access, as well as related documentation, were inspected.

During the inspection of the TDP cells, it was found that mattress covers were not available in some cells and that the medical room was insufficiently stocked with medicines.

During the examination of documentation, it was established that records had not been properly maintained. The medical files of individuals transferred (escorted) from the pre-trial detention facility to the TDP did not contain the required entries regarding their admission to the institution. It was further observed that although some registers at the facility had been bound and sealed, they had not been certified by the official stamp and the signature of the responsible staff member.

The NPG conducted confidential interviews with 12 persons held in the facility to examine treatment. The situation regarding the safeguarding of their rights, as well as the issues raised by them, was examined immediately. Three of the interviewed persons alleged that the investigation had not been conducted properly and submitted written applications to the Ombudsman.

The visit was concluded with a legal awareness talk with the management of the facility and the responsible staff members, where recommendations were made to address the identified shortcomings.

During the visit to the **TDP of the Khizi DPD**, it was found that in certain registers, there was a discrepancy between the number of pages in the sealed section and the actual number of pages contained therein.

Although the conditions at the TDP were in conformity with the relevant standards, the establishment of a library would be advisable to enable detainees to make meaningful use of their leisure time. Books kept in the office of the head of the facility are made

available to detainees upon request. It was further established that the quantity of medicines was insufficient.

The NPG Members implemented the **TDP of the Shabran DPD**. It was observed that the cells were equipped with the necessary furnishings and equipment, that the shower room and sanitary facilities complied with hygiene requirements, and that both hot and cold water were available. CCTV covered all rooms, corridors, and the outdoor exercise yard, with the exception of the shower room.

However, no information boards reflecting the detainees' rights and obligations were displayed in the cells.

During the visit, an examination of the personal file of a detained person revealed that the record (protocol) of the suspect's apprehension had not been duly stamped.

It was further observed that the quantity of medicines available at the TDP was insufficient and that the expiry date of one medicine and one syringe had passed.

During the visit to the TDP of the Siyazan DPD, it was observed that no information boards about the detainees' rights and obligations were displayed in the cells and that mattress covers were not available. Overall, the conditions at the facility did not meet the required standards. It was also established that the quantity of medicines available in the medical room was insufficient.

During the review of documentation, it was observed that corrections had been made to entries in certain registers.

The NPG Members carried out a planned visit to the **TDP in the Samukh DPD**.

During the visit, the cells of the facility were inspected, and documentation relating to food provision, medical care, outdoor exercise, visits, telephone calls, and removal from the cells was checked. Existing needs were also assessed.

During the visit carried out by members of the **NPG to the TDP of the Yevlakh DPD**, an examination of the personal files of administrative detainees revealed that only extracts of the relevant court decisions were included in the files, rather than the full texts of those decisions.

Such a practice is liable to hinder the persons concerned from fully acquainting themselves with the court decisions adopted in respect of them and, where applicable, from effectively exercising their right of appeal, including the possibility to challenge the reasoning and substantive elements of those decisions. In this regard, it is necessary to ensure that full copies of court decisions are kept in the personal files of detainees.

It was established that the record of apprehension drawn up in respect of N.A., charged under Article 177.1 of the Criminal Code of the Republic of Azerbaijan, had not been certified with the official seal.

It was found that no entries concerning medical examinations had been made in the medical files of persons held under administrative detention.

During the visit, it was also found that in the cells, there were no bedding items (mattress covers and pillowcases), as well as clean personal hygiene items intended for distribution to detainees.

It was found that, in the absence of an appropriate facility to ensure detainees' right to make telephone calls, they were provided with mobile phones.

During confidential interviews with detainees, no complaints were received regarding ill-treatment. However, in the course of discussions held with police officers and detainees, it was established that in order to conduct a full body search of persons admitted to the TDP of the Yevlakh DPD, they were required to remove or lower their underwear. Given that this practice constitutes a breach of the Internal Disciplinary Rules and undermines the dignity of detainees, it should therefore be stopped immediately as a preventive measure.

Pursuant to Article 15.1.22 of the Law of the Republic of Azerbaijan "On Ensuring the Rights and Freedoms of Persons Kept in Places of Detention", persons who have been apprehended or arrested have the right to receive free psychological assistance in accordance with the procedure established by the Law "On Psychological Assistance".

Pursuant to clause 4.3.3 of the "Rules and Conditions for the Provision of Free Psychological Assistance," approved by Decision No. 398 of the Cabinet of Ministers of the Republic of Azerbaijan dated 16 October 2020, psychological assistance to persons who have been apprehended or arrested is provided by psychologists of the places of detention.

However, notwithstanding the above-mentioned legislative requirements, it was established during the visit that the TDP of the Yevlakh DPD had a shortage of psychologists or qualified specialists to provide free psychological assistance to detained and arrested persons.

The NPG Members conducted visits to the **TDP in the Tovuz DPD** of the Ministry of Internal Affairs.

During the examination of the personal files of administrative detainees, it was established that only extracts of the relevant court decisions, rather than their full texts, were included in the files.

It was also found in-cell toilets were equipped with outdated fittings and required renovation and replacement.

During confidential interviews with detainees, no complaints were received regarding ill-treatment. However, on the basis of discussions held with police officers and detainees, it emerged that during full body searches of individuals admitted to the TDP of the Tovuz DPD, there was a practice of requiring detainees to remove or lower their underwear for inspection.

According to CPT General Rules, the maintenance of a comprehensive and unified custody record for each detained person, reflecting all aspects of their detention and all measures taken in respect of them, constitutes a fundamental safeguard and reinforces the basic rights of persons deprived of their liberty. During the visit, it was observed that the "Register of Persons Brought to City, District, and Line Police Authorities" of the Tovuz DPD contained certain gaps in the recording of information. Upon examination of the register, it was established that no entry had been made in row 1721 concerning the measures taken in respect of the person brought in, nor had the time of release been recorded.

During the examination of the personal files of detainees, a number of shortages were identified. It was established that the arrest protocols drawn up in respect of R.R. and others detained as criminal suspects had not been certified with the official seal. Furthermore, in the case of persons subjected to administrative detention, only extracts of the relevant court decisions, rather than their full texts, were included in the personal files.

During the inspection of cell No. 3 of the TDP, it was found that administrative detainees were held together with suspects or accused persons in violation of applicable legislation as under clause 2.31.5 of the "TDP Internal Disciplinary Rules," approved by Decision No. 63 of the Cabinet of Ministers dated 26 February 2014, administratively arrested and detained persons shall be held separately from suspects or accused persons.

During the inspection of the cells, it was found that there were not basic bedding items (mattress covers and pillowcases). The management of the TDP explained this by stating that the items had been sent to the laundry. However, in such circumstances, reserve bedding available at the facility could have been used. In addition, notwithstanding the requirements of the legislation, it was established that no clean personal hygiene items were available for distribution to detainees held at the facility.

It was also found that, due to the absence of a callbox at the TDP, detainees used mobiles to make telephone calls.

It was also established that, at the facility, there was no psychologist to provide free psychological assistance to arrested and detained persons.

Members of the NPG conducted a visit to the **TDP in the Dashkasan DPD** under the Ministry of Internal Affairs.

During the visit, documentation concerning detention conditions at the facility was examined. The cells were inspected, and records concerning nutrition, medical care, outdoor exercise, visits, telephone communications, and removal from cells were reviewed. Existing needs were also assessed.

Due to the lack of available space at the detention facility of the Dashkasan DPD, a single room is used for multiple purposes, including medical examinations, investigative activities, religious practice, meetings, and searches. Such an arrangement does not allow for the effective exercise of detainees' rights as provided by legislation.

In addition, no separate medical room is provided within the facility; the medical cabinet containing medicines is kept in the office of the head of the TDP.

It was found that in-cell toilets of the TDP were not fully partitioned and lacked proper doors in violation of the detention conditions from the perspective of human dignity. The identified shortcoming should be addressed without delay.

During the visit, it was found that the daily food allowance per detainee (reportedly 3.22 AZN per person) does not reflect current market prices and is insufficient to ensure the provision of meals complying with current hygiene and nutritional standards three times a day.

An examination of the registers at the TDP revealed a number of shortcomings. Entries in the register for removal from cells, as well as in the phone call logbook, were not consistently completed. It was found that the medical records contained in the personal files of administrative detainees not include records of medical examinations upon their release from the facility.

During the visit to the **TDP in the Goranboy DPD** under the Ministry of Internal Affairs, an examination of the personal files of administrative detainees revealed that the court decisions concerning them were not included in full; instead, only extracts from those decisions were available.

It was also found that the arrest record drawn up in respect of O.Z., who had been wanted, had not been sealed with the official stamp bearing the State Emblem in accordance with the applicable record-keeping procedures.

During the visit, ongoing minor repair works were observed in the TDP cells.

The outdoor exercise area of the TDP should be equipped with appropriate facilities to enable detained or arrested persons to engage in physical training.

During confidential interviews with detainees, no complaints were received concerning ill-treatment. However, it was established that, upon admission to the facility, persons are subjected to a full body search involving the removal or lowering of their underwear. This is a violation of the internal regulations and may amount to degrading treatment, as it undermines the human dignity of detainees. Therefore, it should be stopped immediately as a preventive measure.

During individual interviews, it was established that, in certain cases, the questioning of accused persons was conducted not in the investigation room but in the administrative rooms of investigators. The TDP management explained that this practice was due to a technical malfunction of the computer equipment in the investigation room.

It was also found that hygienic personal items were not available for detainees.

There was a lack of psychologists at the facility, which creates difficulties for detained and arrested persons to receive free psychological assistance.

A scheduled visit was carried out to the **TDP in the Naftalan DPD** under the Ministry of Internal Affairs.

It was also established that, upon admission, persons were subjected to a full body search requiring the removal of their underwear. It is necessary to stop this practice.

It was found that in the facility, there were no hygienic personal items for detainees. Given the lack of call boxes, detainees use personal mobiles of police officers to exercise their right to telephone communication.

It was noted that due to the lack of female staff members at the facility, personal searches of women brought into custody are carried out by the registry operator and a cleaning staff member. Appropriate action should be taken to ensure that qualified female personnel are assigned to the facility.

MSY-nin qadın əməkdaşı olmadığından müəssisəyə gətirilən qadınların üzərində şəxsi axtarış aparılması prosesinə RPŞ-nin dəftərxanasının operatoru və təminat hissəsinin xadiməsi təhkim edilir. MSY-nin ixtisaslı qadın əməkdaşlarla təmin olunmasına ehtiyac var.

The absence of a psychologist at the facility undermines the effective implementation of detainees' right to receive psychological care free of charge.

The NPG Members carried out a visit to the **TDP in the Masalli DPD**.

In the course of the visit, the interview room, cells, kitchen, sanitary facilities, investigation room, visiting room, medical room, prayer room, and the outdoor exercise yard were inspected. The relevant documentation was also examined. Each detainee was interviewed individually, during which their rights and obligations were explained. They were also provided with comprehensive information about the mandate of the Ombudsman.

The NPG observed that the shortcomings found during the earlier visit were eliminated following the recommendations made.

The NPG Members carried out a visit to the **TDP in the Astara DPD**.

During the visit, it was found that certain measures were taken to address the previously identified shortcomings.

However, during the previous visit, it was found that there were no additional chairs installed in the cells. The management informed the NPG that this issue was reported to the Ministry of Internal Affairs and that its resolution was envisaged in the context of the forthcoming commissioning of the new administrative building for the Astara DPD in July 2024.

During the visit to the **TDP in the Jalilabad DPD**, it was found that the recommendations previously made by NPG members were implemented.

2.2.2. The Institutions of the Penitentiary Service of the Ministry of Justice

In 2024, within the national preventive mechanism of the Ombudsman, preventive visits and measures were taken to ensure the rights of convicts detained in the penitentiary institutions under the Ministry of Justice.

Throughout the year, 126 scheduled and ad hoc visits were implemented to penitentiary investigative isolators and penitentiary institutions. All visits were conducted without prior notice and the NPG members created the necessary conditions for this purpose.

During the visit, confidential interviews were conducted with accused and convicted persons, selected on a random basis or following applications submitted to the Ombudsman by themselves or their family members. The NPG members paid particular attention to the

issues of detention conditions and the protection of their rights, as well as the prevention of torture and other forms of ill-treatment.

Monitoring in penitentiary institutions of the Penitentiary Service is conducted within the NPM mandate of the Ombudsman. The NPG members conducted sequenced visits to the Baku Pre-trial Detention Facility, Pre-trial Detention Facilities No. 2, penitentiary institutions Nos. 1, 5, 7, 13 and 15 and Treatment Facility.

The purpose of the visits organized in compliance with the OPCAT and the Constitutional Law on the Ombudsman was to assess the treatment, detention conditions, and organization of medical care services and to follow-up on the recommendations made during the previous visits.

The overcrowding in the **Baku Pre-Trial Detention Facility** remained as a problem. Thus, during the most recent visit, it was established that 3,900 persons were being held in the institution (capacity 2,500). It is clear that overcrowding negatively influences all services in the facility. In particular, the existence of a problem with water supply may be cited as an example.

It was found that medical assistance was not always provided in a timely manner at the pre-trial detention facility. Taking into account the high number of persons held, it is necessary to adjust both the number of medical staff and the supply of medicines and other medical equipment to the actual number of detainees, rather than to the official capacity of the institution.

According to CPT standards, prisoners should be able to have access to a doctor at any time, irrespective of their detention regime. The health care service should be so organized as to enable requests to consult a doctor to be met without undue delay.

The detention conditions **at Pre-Trial Detention Facility No. 2** of the Penitentiary Service failed to comply with the required standards. Due to the age and damp condition of the facility building, routine minor repair works carried out on a regular basis are ineffective.

On the day of the monitoring, there were 842 detainees in the Pre-Trial Detention Facility No. 2 according to the information provided by the head of the facility.

During the inspection of the cells, it was seen that more persons were accommodated than permitted by the applicable standards. The number of beds was insufficient in relation to the actual number of detainees (for example, in cells accommodating five to six persons there were only four beds, and in cells holding 20 persons there were only 10 beds). It was further noted that the cell floors were made of concrete.

It should also be noted that overcrowding was present in the cells accommodating juveniles and women.

During the inspection of the cells, it was found persons accused of committing a crime for the first time were being held together with former convicts. Such a practice violates national legislation and international standards. More generally, the establishment continued to fail to comply with the principle of separation. Ultimately, during each visit conducted to the facility, at least one instance has been identified where a juvenile was being held together with adults.

It was found that the registration of parcels was not carried out in accordance with the requirements of clause 9.3 of the Internal Disciplinary Rules of Pre-Trial Detention Facilities. In particular, although the applicable rules require that the relevant application form be completed in three copies, only one copy was being filled in.

Furthermore, despite the requirements set out in the Rules, no box equipped with medicines was available in the designated room.

During the inspection of the medical-sanitary unit of the detention facility, it was observed that the cells here were larger in size compared to those in the other blocks and that their floors were made of wood.

During the examination of the medical files of three persons with disabilities held in the medical-sanitary unit, it was found their files did not contain Individual Rehabilitation Programs to be drawn up by the Medical-Social Expert Commissions for the purposes of medical, vocational, and psychological-pedagogical rehabilitation and the development of social skills in violation of Article 11 of the Law of the Republic of Azerbaijan "On the Rights of Persons with Disabilities."

During the inspection of the office of the Chief Doctor of the medical-sanitary unit of the detention facility, it was found, along with documentation, an expired medicine ("Depakine Chrono") was being stored in a metal safe. This shortcoming has been noted on several occasions at the institution over an extended period.

During the examination of the registers of the medical-sanitary unit, it was determined that the majority of them had not been properly bound in accordance with the applicable record-keeping requirements. It was further seen that, although daily medical visits were recorded in respect of persons placed in punishment cells as a sanction, no such records were maintained for persons transferred to single-occupancy cells at their own request or due to refusal of food.

At the time of the visit to the Pre-Trial Detention Facility of the Penitentiary Service of the Ministry of Justice of the Nakhchivan Autonomous Republic (located in the "Böyük Düz" area, approximately 20 km from Nakhchivan city), there were 36 persons in the facility. Recommendations were made for improving the detention conditions and documentation practices at the establishment.

An unannounced visit was conducted to the **Juvenile Penitentiary Complex under the Penitentiary Service.**

It should be noted that a number of noteworthy developments have taken place at the institution in recent times. Firstly, the establishment has been renamed, with the designation "Correctional Facility under the Penitentiary Service" replaced by "Juvenile Penitentiary Institution (Complex) under the Penitentiary Service." Accordingly, its status and scope of activities have been expanded. In addition to convicted juveniles, juvenile accused persons are now also being held there (previously, a separate unit for this category had been designated within the Baku Pre-Trial Detention Facility). It must also be noted that the isolator facility was inaugurated and that a number of reforms have been introduced within the framework of the rehabilitation process.

A designated "**Adaptation Room**" (cell) was established within the facility. Newly admitted detainees are accommodated in this room for several days prior to being transferred to regular cells in accordance with the prescribed procedures. The purpose of this arrangement is to enable newly admitted individuals to gradually adjust to the restriction of their liberty and to adapt to the custodial regime without experiencing psychological shock. The adaptation cell is equipped with a television, a video game console, and comfortable bedding and provides the possibility for the detainee to remain alone. In addition, inmates who demonstrate exemplary behavior may, as a form of incentive, be granted the right to stay in this room for 1–2 days as an award.

A special clothing room, referred to as the "**Household Room,**" has also been established within the establishment. Inmates who demonstrate exemplary behavior and a positive attitude toward education and work are assessed through a specific scoring system. Upon accumulating the required number of points, they are invited to this room and, on the basis of free choice, may select and receive clothing and footwear sets made available there. The NPG members observed that this practice has been well received by the inmates.

It was also found that an "**Ebru Art**" room, reflecting traditional Turkish culture, was established within the institution, and that chess lessons are conducted to support the meaningful use of inmates' leisure time.

The NPG Members noted that the Ombudsman consistently calls for the introduction of innovative approaches and promotes such practices in her annual reports and statements. They recommended further expanding the implemented initiatives.

Furthermore, a number of shortcomings and deficiencies were also found.

It should be emphasized as a matter of concern that, following the retirement of the institution's psychologist, no professional psychological services are currently being provided. The institution's management was informed of the necessity to take urgent measures in this regard and of the importance of engaging an experienced and qualified specialist by the Penitentiary Service. Attention was also drawn to the Ombudsman's particular focus on mental health issues, especially the provision of psychological support to juveniles and persons held in closed settings under difficult living conditions. The importance of taking the necessary steps to resolve this matter as soon as possible was underlined.

During individual interviews, it was revealed that several prisoners did not have ID documents. Therefore, relevant applications were lodged with the Ombudsman.

Further to earlier recommendations, the institution has taken steps to ensure the provision of a washing machine for the laundry unit.

During interviews, several inmates indicated their interest in expanding the library collection, in particular by adding detective literature in Azerbaijani.

During the visit to **Penitentiary Establishment No. 1 under the Penitentiary Service**, there were 992 inmates in the establishment, of whom 15 were being held in the disciplinary cells. The fact that a considerable number of inmates were held in disciplinary cells at the same time could indicate an overuse of this measure and raises questions as to whether sufficient corrective and rehabilitative work is being undertaken. Although cosmetic repairs had been undertaken in the disciplinary cells, hygiene standards were not properly maintained.

Upon examination of the storage area, a lack of adequate food stocks was found, with poultry available among meat products.

At the interviews conducted during the visit, inmates complained about lack of access to medical services, stating that it was difficult to see a doctor and that they generally faced obstacles in obtaining examinations and treatment.

It was also found that **Penitentiary Establishment No. 2** was overcrowded, there were 1,652 inmates in a facility (capacity 1,200) on the day of the visit.

The building of the facility, constructed in 1941, was observed to be outdated and not in compliance with modern standards. It was also found that the two-person cells in the disciplinary isolators were not suitable for accommodation and that deficiencies in ventilation caused significant difficulties, particularly during hot weather.

Several inmates were interviewed confidentially to assess treatment, where they stated that calls to the Ombudsman's 916 Call Centre had been restricted. It should further be noted that inmates' right to video calls was also impeded within the institution. Upon clarification being sought, the director indicated that the restriction stemmed from non-functioning technical equipment.

The NPG Members found the medical and sanitary unit of the establishment in an unclean condition. As the chief physician was not present at the time of the visit, the NPG members could not examine the medical records. It was further established that the supply of medicines was inadequate, and that, in particular, persons suffering from neurological conditions (including epilepsy, cerebral palsy, and others) were not being provided with the necessary medication.

There is a shortage of medical doctors at the institution. There were complaints about the failure to transfer convicted persons to the Treatment Facility under the Penitentiary Service when required.

On the instructions of the Ombudsman of Azerbaijan, the NPG Members carried out a subsequent visit to **Penitentiary Establishment No. 4**.

The purpose of the visit, organized in conformity with the requirements of the OPCAT and the Constitutional Law "On the Ombudsman of the Republic of Azerbaijan," was to assess the treatment of convicted women, their conditions of detention, the organization of medical care, and the progress in the implementation of recommendations made by the NPG during previous visits, as well as to examine complaints received.

Throughout the visit, the NPG members interviewed approximately 20 convicted persons. During the interviews, it was established that the situation regarding medical care at the institution was unsatisfactory and that medical services were not provided in a timely and adequate manner.

Several female prisoners reported that, despite experiencing serious health problems, the head of the medical-sanitary unit and other medical staff had failed to ensure the necessary examinations and treatment. More generally, they described difficulties in accessing the head doctor.

A number of prisoners indicated that the head doctor was frequently absent from the workplace. The absence of the head doctor was said to result in delays in examinations and treatment. One female prisoner stated that, as a consequence of such delays, wounds on both of her legs had significantly deteriorated. Another prisoner reported that during her pregnancy she had not received appropriate medical attention and that her health concerns had been treated negligently. She stated that her examinations and treatment had not been carried out in a timely manner and that, as a result, her child had died seven days after birth.

It should be noted that during the last three visits to the establishment, the NPG Members sought to examine issues relating to the provision of health care, including the above-mentioned complaints, and to obtain the views of the Head Doctor. However, they could not meet with the head doctor due to his absence.

Several prisoners alleged that they had not been provided with necessary medicines and that, on occasion, payment had been requested in exchange for their provision. During the inspection of the medical-sanitary unit, it was observed that basic medical supplies (such as dressings and similar materials) were not available and that the quantity of medicines was limited.

During the visit to **Penitentiary Establishment No. 5**, the conditions in the disciplinary cells found to be unsatisfactory and in need of renovation. It was observed that the cells were lacked seating and tables for meals, and that the mattresses provided to prisoners were thin and unclean. It further found that doctors did not visit prisoners held in the disciplinary cells on a daily basis and that, where visits did take place, they appeared to be of a merely formal nature.

It was established that prisoners were being held on a permanent basis in the quarantine room. It was further observed that, on the second floor, newly admitted prisoners were being accommodated **without appropriate conditions as specified in the legislation** and slept on the floor. There were concerns about the treatment of prisoners. In particular, it was reported that the practice known as "stone throwing" against newly arrived prisoners, which has been observed in certain penitentiary institutions, was continued. Such an act may amount to degrading treatment, which violates human dignity.

It was found that there was a problem with access to safe drinking water at the institution, as the supplied water was reported to be sourced from a canal and was of poor quality. The drilling of an artesian well could provide a sustainable solution to ensure access to clean water. Apart from this, the limited size of the mosque (capacity 40–50 persons) causes overcrowding. Furthermore, due to the closing of postal services, there were problems in money transfers.

There were numerous shortcomings in the medical and sanitary unit of the establishment. As the chief physician was absent, the NPG members held discussions with Dr. Ibrahim Bagirli to clarify the situation. He reported that he did not know the exact number of patients receiving treatment and that the medical records were kept by the chief physician; therefore, he could not present them to the delegation. There were records about 14 inmates in in-patient registers, whereas it was found that in practice, there were 15 inmates accommodated in the medical and sanitary unit at the time of the visit. However, it should be noted that at the beginning of the visit, the director of the establishment had indicated that there were 12 persons under treatment. Furthermore, it was established that there was a lack of names of several inmates reportedly receiving treatment in the inpatient register. It was also observed that the doctors' attendance register had not been signed for several months. All these shortages raise concerns about the proper management of healthcare services. There were also problems in the transfer of inmates to the Treatment Facility of the Penitentiary Service.

During the visit, the absence of a dentist (being on authorized leave on the day of the visit) was found. When the dental office was inspected, it was found to be unhygienic, unclean and poorly maintained. Used syringes and other medical waste were observed left in the open, and single-use waste disposal containers were not being utilized.

Similar unsanitary conditions were observed in the treatment (manipulation) room as well.

During the visit, it was established that there were significant shortcomings in the supply of medicines within the establishment and that no medication was available for persons with HIV/AIDS and diabetes. It was further indicated that medical staff had been purchasing syringes at their expense due to shortages. Moreover, the medicines available at the time of the visit were not stored in accordance with the required conditions. Medicines intended to be stored at temperatures not exceeding 25°C were kept in a room without ventilation or air conditioning, where the recorded temperature was 29°C. In addition, medicines requiring refrigeration were observed to be stored openly in the same room.

There were also shortcomings with regard to record-keeping practices. In particular, although the injuries register of the medical and sanitary unit contained entries concerning four inmates for the year 2024, in two cases no information other than the inmates' names had been recorded; no details were provided concerning the nature of the injuries or the medical assistance rendered. The inconsistencies were also observed between different registers. While the injuries register contained entries indicating that an inmate had sustained injuries, no corresponding record of such injuries was found in the documentation drawn up upon the inmate's admission to the disciplinary cells on the same date.

During the visit to **Penitentiary Establishment No. 7**, the delegation inspected various facilities within the establishment, including the disciplinary cell, the medical and sanitary unit, the canteen, the kitchen, the library, and the mosque.

It was found that at the time of the visit, there were 1,080 convicts in the establishment (capacity 1,050) and that, eight convicts were held in the disciplinary cells, 21 in the medical and sanitary unit, and 10 in quarantine. The director of the establishment informed the delegation that repair and renovation works were being carried out in the mosque, shower rooms, dormitory areas, visiting room, club, library and shop and that the works were ongoing at the time of the visit.

The NPG Members interviewed several convicts who alleged that they were physically ill-treated by staff. In particular, reference was made to rude behavior by the head of the operational unit, identified as Yashar. It was further alleged that certain

inmates had been placed in the disciplinary cells for acts they had not committed and that the clothing provided therein was unclean and emitted a foul odor. The inspection of the disciplinary cells revealed that the clothing and bedding of convicts were indeed unclean. The flooring in the cells was in a poor and deteriorated condition. In addition, some cells lacked a water basin, and in certain cases the sanitary facilities were without doors. Overall, the findings indicate that the disciplinary cells are in need of comprehensive renovation.

In addition, inmates complained about the poor quality of food and the lack of shortages in the supply of medicines. They further alleged that newly admitted inmates were subjected to physical ill-treatment by staff before being placed in quarantine cells and that money was subsequently demanded from them in order to be transferred from quarantine to the main accommodation blocks. More generally, the delegation received allegations that inmates were required to pay unlawful sums of money for various purposes, including transfer to the medical and sanitary unit and access to video calls. It was also alleged that long-term visiting rooms were allocated in exchange for payment to those inmates who were able to afford it.

During the examination of medical documentation, it was found that the in-patient register contained no entries relating to the inmates who were reportedly undergoing treatment at the time of the visit (as noted above, the delegation had been informed that 21 inmates were receiving in-patient treatment in the medical and sanitary unit). Furthermore, a review of the relevant medical files revealed that the dates of admission for inpatient treatment had not been recorded. All these shortcomings give rise to serious concerns as to whether the inmates concerned were genuinely in need of in-patient medical treatment, as well as reasonable doubts as to whether certain placements in this unit may have been used to circumvent the ordinary regime or to obtain more favorable conditions of detention. Interviews conducted with the inmates concerned, observations during the inspection of their wards, and their diagnoses further reinforced the above-mentioned concerns.

During the inspection of the medicine storage room, it was observed that the supply of medicines was not satisfactory (the chief physician attributed the situation to delays in the conduct of the procurement (tender) procedure). In addition, it was noted that the refrigerator was not in working order and that ventilation in the storage room was insufficient. These deficiencies were brought to the attention of the chief physician, who stated that the shortcomings would be remedied without delay and would not recur.

Throughout the visit to **Penitentiary Establishment No. 13**, the NPM delegation inspected the disciplinary cell, the medical and sanitary unit, the canteen, and other facilities of the establishment. The organization of medical care, nutrition, water supply, receipt of parcels, outdoor exercise, visits, and telephone communications was examined, and the relevant documentation was reviewed.

It was also found there was overcrowding in the facility, and on the day of the visit, there were 1,301 prisoners in a facility (capacity 1,050).

In the course of the visit, (a medical member of the NPG was present), there were shortcomings regarding the organization of healthcare services and staffing. It was further noted that medical documentation, including registration logs and medical files, was not being properly maintained.

Although renovation works have started after the management of the facility was changed, the disciplinary cells remain in need of refurbishment.

It was established that **Penitentiary Establishment No. 15** was also full, and on the day of the visit, there were 1,056 inmates in the establishment (capacity 1,050).

During the inspection of the disciplinary isolator, the NPG members found that in certain cells, the number of seats was not adequate for the number of inmates held therein. The overall conditions there were found to be unsatisfactory and needed repair, and the

material conditions did not comply with the relevant standards. It was further observed that the mattresses were thin and unclean, and that the toilets were without doors. According to paragraph 42 of the Internal Disciplinary Regulations, disciplinary and punishment isolators, as well as single-occupancy cells, must be equipped with beds, a table fixed to the floor, and a sufficient number of seats corresponding to the number of persons to be accommodated therein.

During the visit to **Penitentiary Establishment No. 16**, the NPG members monitored various facilities of the establishment.

A number of inmates were interviewed in private to assess treatment and conditions of detention.

One of the prisoners interviewed complained about the conditions of detention in the establishment. He reported that the conditions in the shower room, toilets and dormitory were unsatisfactory and that the water supply was intermittent and therefore, asked for ensuring that appropriate measures be taken. His complaint about these problems was received by the NPG Members. However, he did not complain about the treatment by the management or facility staff, and the quality of the food. He was informed of the mandate and powers of the Ombudsman and provided with legal advice and that he could contact the Ombudsman at any time without hindrance through the "916" Call Centre.

After the interview, the NPG Members inspected the shower room and toilets and found that these areas were in need of major renovation.

At the end of the visit, an awareness talk was held with the management and recommendations were made concerning the need to carry out comprehensive renovation works in the shower room and toilets, as well as with regard to the treatment.

A number of shortcomings and deficiencies were also found at the **Treatment Facility of the Penitentiary Service**. It should be noted the shortcomings included the overcrowding in the wards (15 to 20 persons per single ward) and beds placed directly adjacent to one another. The material conditions were found to be unsatisfactory, and the bedding provided was worn and unclean. Such conditions not only render the provision of adequate and quality medical treatment extremely difficult but also give rise to serious concerns that patients are being held in conditions that may amount to inhuman or degrading treatment. According to the CPT standards and recommendations, the level of overcrowding in an establishment, or in a specific area of it, might be so severe that it becomes inhuman or degrading from a physical perspective.

The use of the wards in the same department (therapy unit) with comparatively satisfactory conditions, where two to three persons can be accommodated, raises concerns as to possible unequal treatment among convicts, granting some of them privileged conditions, and potential elements of corruption. Furthermore, questions arise regarding the prolonged stay of certain convicts (e.g., a convict - Allahverdi Ramiz oglu Rasulov, who was diagnosed with allergic dermatitis, has remained in the establishment since 12 February 2024 in the facility), in circumstances where there appears to be no clear medical necessity. His prolonged stay for this condition also deserves thorough examination.

There is a lack of promptness, which delays the classification of newly admitted patients on the basis of their initial diagnoses and their subsequent placement in the appropriate departments, which has been continued for years.

The lack of equipment for CT and MRI examinations in the establishment should be particularly emphasized. Moreover, delays were observed in organizing urgent diagnostic examinations (such as MRI, CT scans, and biopsies) in external medical institutions. (E.g., although a patient admitted to the establishment on 19 April 2024 and transferred to the neurology department on 22 April 2024 with a diagnosis of acute radiculopathy had

reportedly been scheduled to undergo an MRI examination, this had not been carried out as of 22 May 2024.

The facility also lacked qualified medical personnel.

According to the CPT standards and recommendations, prison hospitals must be equipped with the necessary medical equipment, facilities, and medicines required to provide appropriate care and treatment to patients and must be staffed with a sufficient number of suitably qualified personnel.

The patients, who were assigned to the dermatology department, and others were under the care of the neurology department and were accommodated mixed, together in the same wards (as reported by patients themselves). It must be noted that these two departments are located on the same floor, and there is no any partition between them.

Moreover, the accommodation of one convict (Khanagha Orujov Rovshan oglu), who was treated in the department for infectious diseases but found to be accommodated in the neurology department, amounts to a negligent approach to the placement and separation of patients that entails a risk of the spread of communicable diseases within the facility and may further increase the risk of transmission upon the inmates' return to their respective establishments.

Another matter of serious concern is a failure to ensure the timely submission of convicts suffering from illnesses included in the *List of Serious Diseases Preventing the Serving of Sentences* to the Special Medical Expert Commission (SMEC) under the Main Medical Department of the Ministry of Justice.

On the day of the visit, it was established that a convict, Talibov Elshan Asif oglu, had died in the establishment as a result of illness, with a diagnosis of "gastric cancer intoxication and severe anaemia." The director of the establishment informed the NPG delegation that a decision had been taken to submit documents to the court concerning the inmate's early release on health grounds by the penitentiary institution (rather than following a medical commission decision), and that a court hearing had been scheduled for that same day. However, the convict passed away before being able to participate in the court hearing.

During the discussion, the director reported that there are serious difficulties in practice regarding the release of inmates on grounds of severe illness. He attributed these challenges primarily to the fact that the relevant List largely refers to diseases at a terminal stage, as well as to occasional inaccuracies in the assessment of the terminal stage by medical professionals.

It should be noted that, according to official information, there were recorded 163 deaths due to illness in penitentiary institutions in 2023 alone. During the same year, the Special Medical Expert Commission under the Main Medical Department examined the cases of 23 convicts. Five convicts out of them were found to meet the criteria set out in the *List of Serious Diseases Preventing the Serving of Sentences*, and four inmates were released from serving their sentence by court decision.

These figures are not commensurate with the overall prison population and call into question the adequacy of the existing system. It is necessary to further improve the activities of the Main Medical Department and to reorganize the Special Medical Expert Commission as an effective and fully operational mechanism in practice.

During the private interview with several inmates suffering from serious illnesses, they complained about the failure of submissions to and inactivity of the Special Medical Expert Commission (SMEC).

The relations with the civilian healthcare system were inadequate. Thus, the medical examination of seriously ill inmates solely by the young medical staff (rather than ensuring their examination by highly qualified specialists, holding advanced academic degrees (such as PhD or Doctor of Medical Sciences), or failure to organize high-level medical

consultations involving associate professors) or professors can amount to a lack of due diligence in safeguarding the lives and health of those inmates.

According to the CPT standards and recommendations, inmates requiring specialized treatment must have access to such care, either through specialist consultations within the place of detention or, where necessary, by being transferred to an appropriate external medical facility. Furthermore, the quality of healthcare provided to individuals persons deprived of their liberty must be equivalent to that available in the community outside the penitentiary system.

When randomly selected medical files were checked, the NPG members revealed that they were not properly filled in. This not only impedes obtaining adequate information regarding the health state of the convict, but also shows negligence by medical staff to maintain this key medical document. E.g., when the medical files of convicts Shukur Eldeniz oglu Gambarov, Ramin Guliyev, Allahverdi Ramiz oglu Rasulov, and Said Ikram oglu Mammadov (randomly selected) were examined, beyond the results of their lab and instrumental examinations carried out upon their admission and the initial prescriptions, there were no other records.

In the course of the inspection of the medicine storage area, the supply of medicines was found inadequate. There were serious shortages in the provision of medicines for inmates with chronic illnesses (e.g., diabetes, hypertension, bronchial asthma and oncological diseases) and in practice, medicines were often brought to inmates by their family members. Staff members indicated that no pharmaceutical supplies had been delivered to the establishment since October of the previous year. Shortages were reported even with regard to anti-shock medication. The situation was attributed to the failure to conduct the necessary procurement (tender) procedures, which had not yet been completed.

During confidential interviews, several inmates alleged that they were demanded unlawful payments in exchange for being admitted for medical treatment and allowed to remain in the medical facility. They also complained that prescribed medicines were provided and that their medical documentation was submitted to the relevant Medical and Social Expert Commission.

It should be noted that more than 650 persons are currently undergoing inpatient treatment in the Treatment Facility and more than 450 in the Specialized Treatment Facility (altogether the numbers are approximately 5% of the total prison and remand population). Such a high proportion gives rise to concerns regarding the proper organization of healthcare services (in penitentiary institutions and remand facilities in the regions).

There were also serious shortcomings in the process of selection of convicts with serious illnesses and transferring them to the Treatment Facility. These shortages lead, in some cases, to desperate forms of protest by convicts, including acts of self-harm or the ingestion of foreign objects, in an attempt to secure transfer to the facility. According to international standards, the refusal or unjustified delay in medical assistance may amount to inhuman or degrading treatment.

It should also be taken into account that there are cases in which inmates who have sustained injuries for various reasons are transferred to the Treatment Facility with a view to concealing those injuries.

Overall, it should be noted that this treatment facility needs comprehensive renovation or, the construction of a new facility as an alternative, furnishing with modern medical equipment, provision of qualified and experienced staffing, strengthening cooperation with the civilian healthcare system, and taking measures to address shortages in other directions.

The NPG Members conducted a scheduled visit to ***Open (minimum-security prison) Penitentiary Establishment No. 10.***

The director of the establishment informed the NPG that, on the day of the visit, there were 190 convicts in the facility, although the facility capacity was designed for 150 places.

In the course of the visit, the NPG delegation inspected the disciplinary isolator, the kitchen, the dormitory areas and other facilities of the establishment. The conditions of detention, issues relating to treatment, healthcare provision, nutrition, access to telephone communication, visits and the enjoyment of other rights by convicts were examined on site.

It was found that there were no qualified psychologist, doctor or paramedic.

According to paragraph 205 of the Internal Disciplinary Regulations of Penitentiary Establishments, approved by Order No. 16-T of the Ministry of Justice of the Republic of Azerbaijan dated 19 November 2010, body searches must be performed only by staff of the same sex. However, it was determined that due to the lack of female officers or supervisory staff members at the facility, body searches of female convicts are performed by female civilian employees, which entails the involvement of those staff members in duties that do not fall within their official functions.

It was found that the rooms located in the administrative part of the establishment needed renovation.

It was observed that the toilet for convicts, which was located in the yard of the establishment was in an unsanitary condition and the shower room was found to be in need of major repair.

Despite the requirements set out in Chapter V of the Internal Disciplinary Regulations of Penitentiary Establishments concerning the structural features of open (minimum-security) penitentiary establishments, it was found that the establishment did not have a library, a laundry facility, a storage room for convicts' personal belongings, or a shop/kiosk.

Pursuant to Article 119.2 of the Code on the Execution of Punishments of the Republic of Azerbaijan, utilities, food, material and household, medical and sanitary and other provisions for prisoner sentences in an open (minimum-security institution) are provided at the state expense. However, it was found that the facility lacked the necessary means to ensure such provision. The kitchen was found to be old and unfit for use and was not equipped with the necessary utensils and equipment. The management of the establishment stated that, due to the absence of allocations from the state budget for food provision, meals for the inmates were being provided by the staff of the facility.

It was established that there was no medical and sanitary unit within the establishment. Additionally, there was no medical staff present, and ultimately, inmates were not medically examined upon either admission or release. The management indicated that, when inmates required medical intervention, emergency medical doctors were called from the hospital located in Delimammadli city to conduct medical checkups.

According to the Internal Disciplinary Regulations of Penitentiary Establishments, the disciplinary isolator must be separated from other buildings by a solid fence. However, during the visit it was established that the disciplinary isolator at the open (minimum-security) facility was arranged within the administrative building. It should be noted that, according to the information provided, no cases of placement in the disciplinary isolator were recorded during 2024.

During the visit, the register was examined and a number of shortages were found. Despite the requirements set out in the Internal Disciplinary Regulations of Penitentiary Establishments, approved by Decision No. 7-N of the Board of the Ministry of Justice dated 29 December 2011, it was found that the facility did not maintain a register for items contained in parcels and postal packages received by convicts, nor a register for telephone communications.

Pursuant to Article 119.1.5 of the Code on the Execution of Punishments of Azerbaijan, inmates in open (minimum-security) penitentiaries may talk on the phone or have a video call once a day for fifteen minutes. However, although it was the legal norm, it was found that there was no designated telephone box in the establishment and that telephone communications were not being registered.

The NPG Members carried out a visit to **Penitentiary Establishment No. 16** of the Penitentiary Service.

The NPG Members held private interviews with inmates in the establishment to assess conditions of detention and treatment. One of the inmates interviewed stated that the conditions in the shower room, toilets, and dormitory were unsatisfactory and that the water supply was intermittent. Therefore, he asked for assistance in ensuring that appropriate measures were taken to address these issues and submitted his relevant written application to the NPG Members. However, the inmate did not complain about the treatment by the management or other staff and the quality of the food.

The NPG Members visited the **Mixed-Type Penitentiary Establishment of the Penitentiary Service under the Ministry of Justice of the Nakhchivan Autonomous Republic**. On the day of the visit, in the establishment (capacity 500) that was designed for inmates under all security regimes, there were 210 inmates (including two women). It was reported that there were no juveniles in the facility, approximately 20 inmates were employed in production workshops, and two inmates were being held in the disciplinary isolator.

A number of randomly selected inmates were interviewed in private to assess conditions of detention and issues relating to treatment. The inmates did not have any complaints. They were informed about the mandate and powers of the Ombudsman, including the authority to submit proposals to the country's President concerning matters of pardon.

During the monitoring of the facility, a number of shortcomings, including healthcare provision, the failure to cover one third of the outdoor exercise yard, the non-functioning of certain water taps, and the failure to retain samples of prepared meals in the kitchen, were identified.

2.2.3. Institutions of the Ministry of Health

In 2024, under the NPM mandate, the members of the Ombudsman's NPG implemented 25 visits to institutions under the Ministry of Health during 2024.

The purpose of the visits organized in accordance with the OPCAT and the Constitutional Law on the Ombudsman was to assess the conditions of detention in these institutions, the treatment of patients, the organization of medical care, the documentation confirming the legality of detention, and the follow up on the progress of the implementation of recommendations previously made by the NPG.

A visit was conducted to the **Clinical Psychiatric Hospital No. 2**.

The purpose of the visit was to assess the conditions of detention here, the treatment of patients, the organisation of medical care, the documentation confirming the legality of detention, and the follow up on the progress of the implementation of recommendations previously made by the NPG.

During the visit, it was found that the clinic hospital did not have a designated seclusion room and there were some shortcomings in the "Register for Patient Physical Restraint and Seclusion".

In the course of the visit, G.A., a patient in the women's ward, was interviewed, where she alleged that she was physically assaulted by another patient and, in support of

her allegation, showed an injury mark on her left thigh. When the matter was investigated, staff members presented a report indicating that G.A. had fallen while getting out of bed and that she was experiencing delusional thoughts due to her diagnosed condition (F23-Acute and transient psychotic disorders.).

When the conditions of detention were monitored, it was established that the establishment was in need of major renovation and that there was significant dampness on the walls. There was overcrowding in both the women's and men's wards. For this reason, beds were placed directly adjacent to one another.

A number of shortcomings were identified in the documentation as well. Upon reviewing the file of patient S.N., selected at random, it was identified that she had been involuntarily admitted to the hospital on 21 August 2024 without informed consent. The documentation required by law in relation to such involuntary placement was not found in the file. Furthermore, an examination of the "Registers for Patient Physical Restraint and Seclusion" in the women's, men's, and mixed wards had shortages. In some instances, there are records about the time of restraint of patients, while the time of release was not indicated. There were numerous corrections and alterations in the registers.

During the visit conducted at the institution in 2023, there was no separate unit within the day-care inpatient department designated for the admission of children, and they were provided with services under the same conditions as adults, without any distinction. The Ministry of Health was officially corresponded with regarding these and other shortcomings.

It should be noted that the admission of children and adults is now organised on separate days in accordance with a specific schedule. However, further improvements in the organization of services remain necessary.

In practice, patients or their relatives often cannot afford themselves to purchase all prescribed medicines at once. Under the applicable rules, the prescription remains at the pharmacy, which obliges the patient to return to the hospital (or treating physician) to obtain a new prescription. This creates practical impediments to all parties concerned.

The wider introduction of an electronic prescription system would constitute an appropriate measure to remedy the above-mentioned shortcomings.

The NPG found that the establishment did not almost implement social and psychological rehabilitation activities and that treatment was largely limited to pharmacotherapy.

In this context, it is recommended to ensure that treatment is not confined solely to pharmacological interventions but is complemented by comprehensive psychosocial and rehabilitative measures in line with contemporary standards of care; to incorporate occupational therapy as an integral component of long-term treatment; to support participation of patients in the development of their individual treatment plans; to establish dedicated production or work areas within the institution; to draw up an individual treatment plan for each patient, clearly defining therapeutic objectives, treatment methods and the staff members responsible for care.

At the end of the visit, a discussion was held with the management and staff of the institution. The relevant legal requirements to address the shortcomings were outlined, and specific recommendations were provided, particularly concerning issues that could be resolved immediately. In addition, a poster relating to the "916" call centre and informational brochures were provided to the institution.

The NPG Members carried out visits to the **Ganja Psychiatric Hospital** under the Ministry of Health.

The lack of several medical posts in the hospital creates significant difficulties for an institution accommodating a large number of patients and adversely affects the provision of specialized and quality psychiatric care.

Although the conditions in the five-story psychiatric hospital, inaugurated in 2020, were generally satisfactory, certain shortcomings were observed during the visit. It was found that there were no designated visiting rooms within the hospital departments. Some of the wards used as care rooms, including those intended for patients in a particularly severe condition and fitted with metal doors, were found to have non-functioning water taps. The toilets and showers in the departments were in need of repairs.

During the monitoring of the pharmacy of the hospital to assess the supply of medication, it was found that the ventilation system did not function. Psychotropic substances were not stored in a separate metal safe, but together with other medicines in general cabinets.

During a follow-up visit to the hospital some improvements were observed, including the existence of a refrigerator for the storage of medicines. However, psychotropic substances continued to be stored outside of a metal safe.

In the third male ward of the hospital, although a dental office and a qualified dentist were available, the office was not equipped with the necessary dental instruments and tools. This adversely affects the provision of adequate and quality dental care in a hospital accommodating a large number of patients. Furthermore, despite the availability of various types of soft inventory and cleaning supplies, patients were not provided with toothpaste and toothbrushes.

During the visit to the fourth Department for the Treatment and Rehabilitation of Women, it was established that a number of shortcomings identified during previous visits were addressed. In particular, control over the expiry dates of medicines was being ensured, and the official records for medicinal products were being maintained in accordance with the applicable legal requirements.

The material conditions in the wards and medical rooms of the children's department were found satisfactory. However, there was a need for a dedicated room furnished with the necessary materials and therapeutic toys to support treatment in line with modern therapeutic approaches, in addition to pharmacotherapy.

The departments did not have visiting rooms for patients to meet with their relatives, nor a separate room for telephone communication.

Unlike other departments, there were no records about physical restraint or seclusion measures in the second department. This situation violates Article 24.2 of the Law of the Republic of Azerbaijan "On Psychiatric Assistance," which requires the proper documentation of such measures.

On the first day of the visit to the establishment, there were approximately 60 patients with disabilities. However, no specific and individual approach was applied to address their treatment and needs and the dietary requirements of persons with disabilities were not considered in the daily menu.

When the personal files of patients with disabilities were checked, it was found that there were no individual rehabilitation programs, which are required to be drawn up by the Medical and Social Expert Commissions for medical, vocational, psychological and pedagogical rehabilitation, as well as the development of social skills. The absence of such programs violates Article 11 of the Law of the Republic of Azerbaijan "On the Rights of Persons with Disabilities."

According to the "Guaranteed Scope of Social Services Provided at the Expense of the State Budget to Persons (Families) in Difficult Life Circumstances," approved by Decision No. 108 of the Cabinet of Ministers of Azerbaijan dated 22 April 2014, persons (families) who, due to illness, disability or old age, lack the capacity for self-care and have no able-bodied relatives or legal representatives to provide care and assistance are entitled to medical and social expert assessment. However, it was found that the disability status of the majority of the patients in the institution was not assessed. In addition, although

the institution is authorized to initiate referrals to the Medical and Social Expert Commission (MSEC), the necessary referrals in respect of the patients concerned had not been ensured.

Pursuant to Article 23.5 of the Law "On Psychiatric Assistance," a person is deemed unfit for work for the duration of their in-patient psychiatric treatment, and in accordance with the law, is entitled to receive a relevant allowance or a pension on general grounds. However, it was established that the disability status of the majority of patients in the hospital had not been assessed. This situation prevents them from effectively exercising their rights to receive the corresponding social benefits or pension entitlements.

According to the information provided by the institution, all electronic referrals submitted to the MSEC for the assessment of disability status of children studying in special schools are reportedly rejected and this gives rise to justified grievances because there is no legal basis for such refusals, which violates the rights of the persons concerned.

Article 23 of the Law "On Psychiatric Assistance," sets out the rights of patients undergoing examination and treatment in inpatient psychiatric facilities. These rights include, inter alia, the right to unrestricted correspondence; to receive and send parcels, postal packages and money orders; to use the telephone and other means of communication; and to receive visits from relatives. Although maintaining records of the exercise of these rights is essential to ensuring the protection of patients' rights and preventing abuse or neglect, it was established that no such records were being kept. Generally, there is a need to install informational boards within the institution setting out patients' rights and obligations in an accessible manner.

It was found that restrictions are currently imposed on visits by relatives of patients undergoing treatment at the hospital. These restrictions are reportedly justified by reference to the Resolution of the Cabinet of Ministers of the Republic of Azerbaijan dated 11 March 2024 concerning measures related to the special quarantine regime.

It was found that on the day of the visit, the hospital-imposed restrictions on visits by relatives of persons undergoing treatment. These restrictions are reportedly based on the Decision of the Cabinet of Ministers dated 11 March 2024 on measures related to the special quarantine regime.

At the conclusion of the visit, the Ombudsman's NPM mandate and the shortcomings identified were discussed with the chief physician and staff. They were informed of relevant legal requirements concerning conditions of detention, treatment and documentation, and proposed recommendations for addressing the issues that could be remedied on site.

During the follow-up visit to the Ganja Psychiatric Hospital, the storage was inspected, where food products were stored in compliance with the applicable standards and the refrigerators were in proper working condition.

Although, pursuant to Article 30.0.8 of the Law "On Psychiatric Assistance," the administration and medical staff of a psychiatric inpatient facility are obliged to establish appropriate rules and designate suitable premises to enable the free performance of religious ceremonies without disturbing other patients, it was found that no specific premises had been allocated for this purpose.

The NPG Members interviewed several patients selected at random to learn their views on conditions of stay and treatment. While the interviewed patients did not complain about the overall living conditions, some of them were concerned about the insufficient quantity of bread provided during meals. They also reported that they had problems accessing the yard for outdoor exercise.

The management of the institution explained the limited provision of bread by referring to the established daily bread ration of 350 grams per person. It was further stated that the daily food expenditure allocated per patient amounts to AZN 7.86 (seven manats and eighty-six qepiks). The NPG Members take the view that this amount is not

sufficient to ensure an adequately caloric and nutritionally balanced diet, which is also inadequate to meet the specific dietary needs of patients with disabilities and children.

The NPG Members conducted scheduled visits to the **Gazakh Psychiatric Hospital** under the Ministry of Health. The objective of the visits was to assess the treatment conditions in the establishment, treatment, the quality (level) of nutrition, the protection of the rights of hospitalized patients, the maintenance of relevant documentation, as well as the storage and quality of medicines and the progress of implementation of recommendations previously made. In this context, the entire territory of the hospital, including wards, medical rooms, the canteen and other facilities, was inspected. The organization of medical care, nutrition, water supply and outdoor exercise, as well as the relevant documentation, were examined.

During the first visit to the hospital (capacity 100-bed), there were 94 patients (42 women and 52 men) under in-patient treatment. The NPG Members found that 51 of patients were those with disabilities, while the disability status of the remaining patients had not been assessed. All patients were over 18 years of age and that, on the date of the visit, there were no patients undergoing involuntary treatment in the psychiatric inpatient facility. Furthermore, the delegation established that all patients were receiving treatment on a voluntary basis, based on informed consent.

It was further indicated that the daily allocation per patient amounted to AZN 1 for medicines and AZN 4.54 for food provision. While no significant problems were reported in relation to food supply, it was stated that pharmaceutical provision was limited. In particular, the insufficient availability of various psychotropic medicines was reported to create serious difficulties in the treatment process within the hospital.

According to the approved staffing schedule, the institution should employ 147 staff members. However, it was reported that significant vacancies existed in key positions essential for the provision of psychiatric care. Of the 16 doctor posts, 10 (60%) were vacant, and of the 43 nursing (mid-level medical staff) posts, 22 (50%) were vacant. During the subsequent visit to the institution, the situation had further deteriorated, with the number of vacant nursing posts increasing to 23. Such a high level of staff shortages does not allow for the provision of adequate and quality specialized psychiatric care to patients and raises serious concerns regarding the hospital's operational capacity.

During the visit, it was observed that treatment in the hospital was limited exclusively to pharmacotherapy. No therapeutic activities such as music therapy, art therapy or sports-based interventions were being implemented, and the necessary infrastructure for such activities was not in place. Shortcomings were also identified in the organization of occupational and leisure activities, which did not appear to be structured in a manner conducive to meaningful engagement and rehabilitation.

During the inspection of the room used for the storage of medicines, it was observed that the deficiencies identified during the previous visit were eliminated. The door and windows of the room were fitted with metal bars. No expired medicines were found, and the official registration records for medicinal products were being properly maintained. It was further found that the room was equipped with an appropriate refrigerator to ensure that medicines requiring special storage conditions did not lose their quality within their shelf life. In addition, a metal safe was provided for the storage of psychotropic substances.

In addition, the institution is in need of being equipped with blood pressure monitors and breathalyzers.

During the inspection of the overall premises, including all medical rooms and wards, NPG Members noted that the issues regarding material conditions identified during the previous visit remained unresolved. The building was found to be in need of major renovation, particularly toilets and shower rooms were unclean and unhygienic.

Furthermore, it was determined that certain patients had been bitten by harmful insects, such as lice and fleas, resulting in bodily harm.

It was established that the sanitary facilities located in the main building of the hospital were unfit and therefore were not used. Consequently, both female and male patients were using a common toilet located in the hospital yard, which was found to be in poor and unsanitary condition.

In this light, we recommend that the sanitary facilities should be equipped with the necessary fixtures and adjustments to meet the needs of elderly patients and persons with disabilities.

The shower room was also found to be in an unsanitary condition.

It was found that the main building of the hospital did not have a functioning water supply, including access to potable water. Consequently, patients were required to carry water in various containers from a fountain located in the hospital yard for the purposes of daily use and cleaning. The use of shared containers in these circumstances may facilitate the spread of infectious diseases and contribute to the development of unsanitary conditions within the institution.

During the visit, it was observed that the food storage facility was in need of major renovation and that the storage requirements for certain food products, including eggs and dairy products, were not being observed, as these items were kept in open areas rather than in a refrigerator. None of the fruits typically deemed essential for patients' daily nutrition and immune support were available at the time of the visit.

The roof of the hospital is also in need of major repair.

It was observed that no specific approach was applied in the institution to address the treatment and particular needs of persons with disabilities. Medication for patients suffering from diabetes mellitus was reportedly provided by their family members.

In addition, the daily menu did not appear to take into account the specific dietary needs of persons with disabilities.

It was established that the personal files of residents with disabilities did not contain Individual Rehabilitation Programmes, which should be drawn up for the purposes of medical, vocational, psychological and pedagogical rehabilitation, as well as the development of social skills.

The absence of such individual rehabilitation programs constitutes non-compliance with Article 11 of the Law of the Republic of Azerbaijan "On the Rights of Persons with Disabilities."

Pursuant to Resolution No. 108 of the Cabinet of Ministers of the Republic of Azerbaijan dated 22 April 2014 on the approval of the "*Guaranteed Scope of Social Services Provided at the Expense of the State Budget to Persons (Families) in Difficult Life Circumstances*," the organisation of medical and social expert assessment is envisaged for persons residing in inpatient institutions who, due to illness, disability or old age, lack the capacity for self-care and have no able-bodied relatives or legal representatives capable of providing care and assistance (paragraph 3.1.2.3).

However, it was established that the disability status of 43 residents of the institution had not been assessed.

During the inspection of the wards in both departments, it was observed that the use of medical restraint measures in respect of patients had been recorded in the "*Fixation (Restraint) Register*." However, in Department II the register was improperly maintained, and in particular the date of the fixation was not recorded.

The NPG Members conducted visits to the **Guba Interregional Psychoneurological Center**.

The objective of the visits organized in accordance with the OPCAT and the Constitutional Law on the Ombudsman of Azerbaijan was to assess the conditions of stay

and the treatment of persons held in the institution, as well as the progress of protection of their rights and the adequacy of the relevant documentation practices.

In the course of the visits, the wards, the kitchen and other administrative premises of the institution were inspected to assess the conditions of treatment. The quality of nutrition, access to drinking water, the accessibility to hot and cold water, and the relevant documentation, were also examined.

When the pharmacy was inspected, it was found that the supply of medicines and lab reagents was adequate and that the storage conditions and expiry dates of medicines were duly complied with.

During the monitoring of the kitchen and food storage areas, it was established that sanitary and hygiene standards were observed and that food products were stored in accordance with the required conditions and storage periods.

To examine issues related to treatment, three patients were interviewed confidentially by NPG members, and the situation regarding protection of their rights was assessed.

It was established that of the six psychiatrist posts available at the institution, only two were filled. Vacancies also exist among the mid-level medical staff. It was further reported that two of the doctors currently employed at the institution continue to work on the basis of fixed-term contracts, having exceeded the statutory retirement age.

At the end of the visit, awareness-raising discussions were held with the management and responsible staff of the institution. They were informed of the requirements of national and international legal frameworks, and were provided with relevant recommendations, including the timely replacement of food products approaching their expiry date.

The NPG Members implemented a scheduled visit to the **Sheki Psychiatric Hospital**.

The visit, held in accordance with the requirements of the OPCAT and the Constitutional Law on Ombudsman, was aimed at investigating the quality of psychiatric care and treatment of patients, protection of their rights, and inspection of document processing.

The NPG inspected the wards, pharmacy, medical rooms, lab, workshops, recreation rooms, a kitchen, a canteen, a visiting room, a storage room, a yard for outdoor exercise, and a gym in the institution.

A number of failings were found during the inspection, such as signs of dampness and deterioration of the lower parts of the walls in several areas of the hospital; the lack of necessary dental equipment in dental cabin although a dentist is available, the prolonged non-use of devices for ultrasound examinations, as well as electrocardiography, electroencephalography, and X-ray diagnostics due to the lack of the relevant specialist doctor posts and the lack of a library.

Relevant entries (surname, name, signature of the referring doctor, date of discharge from the hospital, and outcome) were not made in sections 9, 12, and 13 of the hospital referral register.

At the end of the visit, a final meeting was held with the head of the establishment, and legal recommendations were given to eliminate the observed shortcomings and deficiencies.

Members of the NPG visited the **Lankaran City Psychiatric Hospital**.

During the visits, sanitary and hygiene standards in the food storage area and the kitchen were found to be observed. The daily menu was displayed on the wall, samples of prepared meals were taken, and the quality of food was monitored. It was also noted that the storage area contained food products, including fruits and vegetables, and that no expired products were found. Furthermore, it was established that kitchen staff complied with the required work attire and underwent periodic medical examinations.

The failings found during previous visits in 2024, such as the worn and poor condition of the mattresses on the beds in the wards of both departments, the absence of hand and face towels, problems with water supply, and the malfunctioning television in the women's ward, were eliminated. Sanitary and hygiene standards were complied with in the departments, and patients in both wards had access to drinking hot and cold water. The television in the women's ward had also been repaired. However, the supply of medicines continued to be problematic.

The NPG Members carried out a visit to the **Psychiatric Diseases Dispensary¹ of the Ministry of Health of the Nakhchivan Autonomous Republic**. It was established that on the day of the visit, there were 83 patients (including 26 women) at the 150-bed facility, which comprises psychiatric and narcological departments. It was observed that renovation works had commenced at the dispensary. However, some rooms were not being used in accordance with their intended purpose, no designation signs were displayed on the doors, and certain wards in the women's department lacked adequate artificial lighting.

At the end of the visit, the management of the institution were provided with recommendations to improve healthcare services and documentation practices.

Upon the instruction of the Ombudsman, the NPG members implemented a visit to the **Child Psychoneurological Center of the Ministry of Health**.

The visit was organized in accordance with the OPCAT and the Constitutional Law on the Ombudsman. The purpose of the visit was to assess the conditions of delivery of psychoneurological services, treatment standards, the quality of nutrition, and the maintenance of relevant documentation, as well as the situation regarding the protection of the rights of children deprived of parental care accommodated in the institution.

For this purpose, all areas of the Child Psychoneurological Centre were inspected, including dorms and medical rooms, the play hall, kitchen, storage facilities, laundry room, and other premises.

According to the Charter of the Centre, the main objective of the institution is to ensure the protection of the health and the rights of children aged from one month to 14 years by providing outpatient and inpatient examination, diagnosis and treatment, as well as medical-social, psychological and pedagogical assistance.

During the initial discussion with the management of the Centre, it was indicated that certain difficulties exist due to the fact that the budget allocated to the institution does not cover children's clothing and some essential food items.

During the inspection of the institution, it was observed that conditions meeting modern standards for the health and development of children had been created. It is also worth noting that the management of the institution demonstrates a proactive approach to improving the knowledge and skills of the staff and has undertaken a number of projects and initiatives in this area.

At the end of the visit, discussions were held with the management and staff of the institution, and relevant recommendations were provided on how to eliminate the identified shortcomings and the protection of the rights of children.

The NPG Members conducted a visit to the **Ganja Regional Narcological Dispensary**. The institution provides in-patient and out-patient treatment to persons suffering from drug addiction and chronic alcoholism from the districts of Gazakh, Aghstafa, Tovuz, Shamkir, Goygol, Samukh, and Goranboy.

During the follow-up visit to the institution, it was established that, a shortage regarding the lack of a qualified specialist was addressed and the psychologist position

¹ Dispensary- a specialized outpatient and inpatient medical and preventive healthcare institution that provides medical assistance to specific groups of the population for certain diseases such as oncology, skin venereal and tuberculosis, and carries out systematic monitoring of their health. It was belonged to the soviet system.

was filled in. However, it was also found that there remains a need to increase the number of narcologist doctors in order to ensure adequate medical care.

The hospital building was observed to be generally old and unclean. The wards of the inpatient department, as well as the beds and other furniture therein, were found to be worn-out, untidy, and in poor condition. Even the minimum conditions necessary for accommodating patients in the wards were not ensured. A pervasive unpleasant odor and dampness were noted.

It was further observed that there was no centralized heating system in the facility and that the wards in use were heated by electric heaters. No conditions were provided for the organization of patients' leisure time (such as a television, sports equipment, etc.). In addition, the toilets in the inpatient unit were found to be completely unfit for use and unhygienic. The boiler room was not functioning (including the bathroom boiler), and the bath facilities were entirely unusable.

The rules for the storage of medicines and blood test samples were not complied with recognized standards. Furthermore, food products were found to be stored in the same refrigerator used for keeping blood samples and medical supplies.

During the visit to the **Lankaran Interdistrict Narcological Hospital**, the NPG Members monitored the wards, admission room, visiting area, storage room for personal belongings, shower room and kitchen. The material conditions in these areas, including lighting, ventilation and sanitary arrangements, were examined.

The shortcomings in relation to the supply of medicines identified during the previous visit to the hospital last year were addressed. The provision of food was also found to be satisfactory. As a positive development, it must be noted that the roof of the hospital was repaired.

At the end of the visit, the chief physician and staff were provided with relevant recommendations aimed at ensuring proper compliance with the applicable legal requirements and further improving the institution's activities.

2.2.4. Institution of the Ministry of Science and Education

Within duties arising from the NPM mandate, in 2024, 75 unannounced visits were implemented to the establishments under the Ministry of Science and Education.

Upon visiting educational establishments, relying on international practice, the conditions of accommodation and issues of treatment were investigated, as well as the ensuring of the rights of children receiving education, the level of nutrition, the maintenance of relevant documentation, and the progress of implementation of the previously given recommendations.

The NPG Members conducted a visit to **General Boarding School No.1**. During the visit, an initial meeting was held by the head of the boarding establishment. A number of developments were reported in the establishment, such as creating a special visiting room in order to ensure comfortable meetings of children with their parents, six subject teachers were hired under permanent contracts. It was also noted that a number of shortcomings identified during the previous visit had been eliminated, namely the lack of radiators in the corridors and the absence of partitions in the toilets and shower room.

However, the confidential interviews with the children revealed the existence of certain problems such as the presence of mice in the facility, failure to ensure the timely replacement of bed linen, failure to wash the clothes of boys and girls separately, and no existence of hair dryers. During the final meeting with the management of the institution, several recommendations were made, including the implementation of disinfection measures against rodents.

A scheduled visit was conducted to **Special Boarding School No. 2 for Children with Disabilities** under the Ministry of Science and Education. As a part of the visit, the situation regarding the protection of the rights of child residents in the institution, their accommodation conditions and treatment, the organization of medical and psychological care, the quality of nutrition, as well as the maintenance of relevant documentation was examined on site.

It was observed that in the institution designed for children with total or partial hearing impairments, as well as those who have subsequently completely lost their hearing, staff members used derogatory language that may create negative perceptions toward PWDs, such as "*crippled*" and "*deaf*". It is known that in recent years, as a result of reforms carried out in line with the UN CRPD, a number of expressions that may create feelings of inferiority or lack of self-confidence have been replaced with more modern and ethically appropriate terminology. For example, the term "*deaf*" has been replaced with "*persons with total hearing impairment*", and the term "*disabled*" with "*persons with disabilities*."

The NPG Members found that the institution was inadequately clean during their inspection of the overall premises of the boarding school, including classrooms and particularly the dormitory rooms.

During an inspection carried out to assess the quality and accessibility of medicines, it was found that some medicines were not stored in their original packaging and that the sections of the packaging indicating the expiry date had been cut off. As a result, it was not possible to determine their shelf lives, which was brought to the attention of the head of the institution.

Furthermore, the medical staff of the institution were also advised to ensure continuous monitoring of the expiry dates of medicines, to keep medicines in their original packaging or to maintain a register of medicines indicating the storage period and expiry date of each product.

According to Resolution No. 6 of 9 January 1992 of the Cabinet of Ministers, "On the Model Staffing of Managerial, Administrative-Economic, Teaching-Assistant and Service Staff of Special Boarding General Education Schools for Children with Intellectual and Physical Developmental Disorders", two-night caregiver positions are established for each dormitory building in special boarding general education schools. In boarding schools with more than 150 students, two-night caregiver positions are established for each floor of the dormitory building. The director of the institution reported that, there are 94 children staying overnight, while only one night caregiver is currently on duty. This staffing level is insufficient to ensure the proper fulfilment of responsibilities such as providing adequate care for children and addressing conflicts that may arise.

The NPG Members conducted a scheduled visit to the **Republican Special Boarding School No. 3 for Children with Disabilities**.

The purpose of the visit was to assess the implementation status of the previous recommendations, as well as to examine the situation regarding the protection of the rights of children educating at the boarding school; the conditions of accommodation at the institution; treatment; the quality of nutrition; and the maintenance of relevant documentation. During the monitoring, the school's classrooms, kitchen, dormitory, medical room, laundry room, and other facilities were inspected.

Some problems related to accommodation remain unresolved. For example, the institution requires major renovation; internally displaced families are currently residing in part of the school building, resulting in significant overcrowding; and some of the windows in the dormitory rooms still lack protective screens. The security measures in the institution are also poor.

It was reported that previous appeals to take appropriate measures concerning trees in the school yard that pose a risk of falling yielded no results. There is a lack of availability of textbooks and teaching materials in higher grades, with the exception of primary classes. The psychological counseling room lacked also visual and instructional materials.

A scheduled visit was conducted to the **Republican Special Boarding School No. 5 for Children with Disabilities**.

It was found that the problems related to textbooks had been resolved. However, a number of shortcomings concerning accommodation conditions were identified. For example, when the dining hall was inspected, it was observed that chopped onions had been served instead of the vegetable salad under the second menu. A sample of the vegetable salad from the previous day had not been retained.

During their scheduled visit to the **Republican Special Boarding School No. 6 for Children with Disabilities**, the NPG Members found the dormitory rooms clean and tidy. However, it was determined that the lighting did not meet the required standards and that the windows were not equipped with protective screens.

It was also found that the institution's vehicle was not in usable condition (although a driver is employed on a permanent basis), which hinders the participation of students of the school, located on the outskirts of the city, in various events. In addition, during periods of heavy rainfall, the school's yard becomes unusable. The NPG Members were informed that during the most recent heavy rains, students and staff of the school had to be evacuated by personnel of the Ministry of Emergency Situations.

During the visit to **Special Boarding School No. 12 for Children with Disabilities**, it was determined that the institution lacked appropriate teaching materials related to special education, and that the resources available for the provision of psychological and speech therapy services were insufficient.

The accessibility conditions in the institution should be improved to ensure the unimpeded movement of persons with physical disabilities, including the installation of ramps at the entrances of the educational building.

It was also found that, due to malfunctioning the institution's heating system, heating devices were being used. In the medical room, it was also found that the shelf life of one medicine had passed.

On the eve of "Child Rights Month", the NPG members, together with a staff member of the UNICEF Country Office, conducted a monitoring visit to **Sanatorium-Type Boarding School No. 8**.

It was observed that several shortcomings identified during the previous visit were addressed. Curtains had been installed in the dormitory rooms, lockers had been fitted with locks to ensure the protection of children's personal belongings, partially unusable toilets and shower rooms had been replaced with new ones, stairs that had previously been in disrepair had been renovated, and new handrails had been installed.

During the visit, it was found that the institution's medical check-up room should be equipped with dental equipment. Nevertheless, the Ministry of Science and Education provided children with seasonal clothing and footwear.

Despite the above-mentioned positive aspect about clothing, in the course of the inspection of the medicine storage room, it was found that the stock of medicines was close to depletion. Whereas medical staff stated that medicines are allocated once a month upon request and that a new batch of medicines would be delivered by the first days of the following month and that they had not encountered serious difficulties in this regard.

The documentation review revealed that medical records were generally made in a timely manner; however, in some cases the records were incomplete. Appropriate recommendations were provided to the medical personnel regarding the improvement of documentation maintenance.

On the instructions of the Ombudsman, an unannounced visit was carried out to the **Sumgayit Boarding Gymnasium**. During the monitoring, the school area, including facilities such as classrooms, the kitchen, the dining hall, dormitory rooms, the medical room, and others was inspected.

Due to the accommodation of former internally displaced persons (IDPs) in the dormitory building of the gymnasium, only a part of the second floor is currently available for use by students.

During the visit, it was observed that the institution requires major renovation. The shortages included inadequate lighting, missing window handles, absence of protective meshes on the windows; and unusable condition of curtains, and although a bathroom has been designated, this room and some sanitary facilities are not operational.

There is also a shortage of sanitary facilities in the main academic building. For 650 students, only two sanitary facilities are available (with 4 cubicles for boys and 3 cubicles for girls, one of which is out of order). In addition, inappropriate expressions were observed on the doors of these cubicles. In the sanitary facility designated for boys, one of the three cubicles does not have a door at all. It was also noted that these sanitary facilities are not supplied with hot water.

During the visit to the dining hall, the NPG delegation observed overcrowding due to limited space. It was further noted that changes to the menu (including the absence of the salad normally provided for lunch) had not been formally documented or justified.

The football field located in the courtyard of the institution was observed to require renovation.

During interviews, some children alleged that, on certain occasions, the night caregiver and an educator had threatened them with physical punishment. The issue was subsequently raised with the staff of the institution and an awareness-raising discussion was held.

Given that the school provides education to children from socially disadvantaged and single-parent families (single mothers or single fathers), many of them require an individualized approach. Appropriate measures should be taken to increase the number of psychologists to ensure adequate psychological services.

The knowledge and professional skills of psychologists and other staff members should be further strengthened through appropriate training.

The monitoring of the **Sumgayit Special School for Children with Disabilities** found the lack of accessibility in conditions for free movement of persons with physical disabilities, including the lack of a ramp. In addition, the canteen was not equipped with a ventilation system.

During the scheduled visit to the **Ganja Integrated Training Boarding Gymnasium**, the NPG found the absence the position of speech therapist (logoped) is included in the staffing structure of the institution but currently remains vacant. This prevents the proper provision of speech therapy services in accordance with the Rules on the Organization of Education in Integrated Training Educational Institutions.

It was observed that, although the gymnasium has a dormitory facility, no students currently reside there. Consequently, the dorm rooms are being used as classrooms.

It was observed that the gymnasium's library is equipped with the necessary inventory and books. The medical room is supplied with medical equipment, including a thermometer, essential medicines for first aid, and disinfectants. The psychologist's office was also observed to be equipped with relevant visual materials.

During the visit, it was observed that the sanitary facilities of the gymnasium require ongoing repair work. It was also noted that soap was not available in the sanitary facilities.

Article 5.0.3 of the Law "On Education of Persons with Disabilities (Special Education)" guarantees the right of persons with disabilities to receive pre-school and

general education based on special education programmes and an individual education plan, in accordance with the decision of the psychological-medical-pedagogical commission. During the visit, it was established that individual education plans had not been developed for children enrolled in special education at the gymnasium.

In the special classes of the gymnasium, the organization of labor training, vocational orientation and vocational training should be considered a priority, as these are essential for preparing students for independent living and ensuring their social integration. However, it was observed that there is no workshop available for children enrolled in special education, which hinders the organization of vocational orientation and training activities. There is therefore a need to establish an appropriate workshop.

During the visit, it was established that students enrolled in special education at the gymnasium were not provided with specialized teaching materials developed on the basis of simplified curricula, with the exception of Azerbaijani language and Mathematics for primary classes.

During the visit, it was observed that the gymnasium's canteen, kitchen, and sanitary facilities require ongoing repair works.

The NPG Members conducted a scheduled visit to Special School No. 45. The school, which has been operating since 1975 and provides education not only to students from Ganja but also from the Shamkir, Goygol, Samukh, and Goranboy districts, last underwent major renovation works in 2011. During the visit, there was a need for ongoing repair works.

It was observed that the minibus donated to the school by the Heydar Aliyev Foundation is currently out of order and not in service, which creates significant difficulties for students with disabilities in accessing the school. It was further noted that each student's parent receives a monthly allowance of 50 (fifty) manats to cover transportation costs.

The NPG Members held meetings with the students to assess their living conditions and treatment. The students stated that they had no complaints.

During the visit, it was established that the position of a doctor is vacant, which creates difficulties in ensuring the provision of quality medical care to children with disabilities studying at the school.

It was also established that there are shortcomings in the provision of specialized simplified textbooks, with the exception of textbooks of the Azerbaijani language and math for primary classes.

During the monitoring visit, it was determined that the Ministry of Science and Education instructed to exclude students with Degree I disability (whose bodily functions are 81–100% impaired) from the school without any legal basis. This situation may be considered a violation of the individuals' right to education.

According to Clause 4 of the "Regulations on the Provision of Free Special Education for Persons with Disabilities," approved by the Cabinet of Ministers' Decision No. 86 dated 29 May 2002, PWDs shall be fully provided by the State with educational materials, food, clothing, footwear, necessary equipment, and individual technical aids.

The costs required for ensuring persons with disabilities are provided with education, educational materials, food, clothing, footwear, necessary equipment, and individual technical aids shall be covered from the funds allocated under "Education Expenditures" in the State budget.

However, despite the aforementioned provisions, it has been established that children with disabilities studying at Special School No. 45 in Ganja are not being provided by the State with food, clothing, footwear, necessary equipment, and individual technical aids.

The NPG Members conducted monitoring visits of the **Integrated Boarding-Type Gymnasium Govlar city** in Tovuz district. NPG Members identified certain deficiencies

and shortcomings were identified at the gymnasium, where students from the Tovuz, Gazakh, Aghstafa, and Shamkir districts receive education.

Pursuant to Cabinet of Ministers Decision No. 300 dated 13 June 2024, on the approval of the "Model Charter of General Education Institutions Established by the State and Municipalities" and the regulation of certain related matters, central and local executive authorities were assigned the task of approving the new charters of general education institutions under their subordination within a period of two months. However, it was established that the charter governing the activities of the gymnasium has not been approved.

The staff position of a physician at the gymnasium is currently vacant, and it is considered necessary to equip the medical room with essential equipment (including weighing scales and a height-measuring device).

It is necessary to ensure students with specific needs with specialized teaching materials developed on the basis of simplified curricula, and individualized education programs.

It was found that the speech therapy room was in need of reorganization and equipping with the necessary materials and resources as specified in law.

It is necessary to replace the significantly outdated bus in the gymnasium with a new vehicle.

The organization of vocational-oriented education in the special classes of the gymnasium should be considered a priority, and a need has been identified to equip the workshop with the necessary modern equipment.

The NPG Members conducted a planned monitoring visit to the Ganja City Integrated Boarding-Type Gymnasium.

The purpose of the visit was to assess the accommodation conditions and treatment in the institution, and to what extent the rights of resident and non-resident children are protected.

The position of speech therapist at the gymnasium has been vacant for an extended period, which prevents children involved in special education from receiving necessary speech therapy services.

It was observed that due to the fact that the dorm is being used as classrooms, there are no children staying overnight. During the inspection of the medical room, it was established that it is equipped with the necessary medical supplies, including a thermometer, medicines required for first aid, and disinfectants, and that individual medical records are maintained for each student.

It was found that the psychologist's office is equipped with the necessary inventory and visual materials, enabling the proper organization of psychological support services, and that individual psychological records are maintained for each student.

It was also observed that the institution's dining hall, kitchen, and sanitary facilities are in need of current repairs.

Individual interviews with children and with staff were conducted, on a random selection basis, to assess treatment. Both the management and the children reported that no incidents related to treatment had occurred and that a sensitive approach was maintained towards educational and upbringing processes within the school.

In accordance with Article 5.0.3 of the Law "On Education (Special Education) of Persons with Disabilities," persons with disabilities are entitled to receive preschool and general education based on special education programs and individualized education plans, in accordance with the decision of the psychological-medical-pedagogical commission. However, individualized education plans for children involved in special education were found undeveloped, notwithstanding the requirement that children of this category should be approached individually and their needs assessed on an individual basis.

During the monitoring visit, it was established that students involved in special education at the gymnasium are not provided with specialized teaching materials developed on the basis of simplified curricula (with the exception of Azerbaijani language and math for grades 1–4), which creates difficulties for these students in effectively assimilating the lessons.

The six computers available in the computer room were inadequate to the number of students, and the shortage of computers does not allow for the conduct of summative assessments in an online format.

The NPG Members monitored the Ganja Boarding-Type Gymnasium with a focus on foreign languages. The position of physician is currently vacant at the gymnasium.

During the inspection of the dormitory, it was found that the sleeping rooms are adequately furnished, the bedding is clean, and the sanitary facilities and bathrooms are well-maintained and in a clean condition.

During the inspection of the medical room, it was established that the necessary equipment and medicinal supplies for examinations are available, and that daily medical assistance is duly recorded. It was also observed that previously identified shortcomings have been addressed, with registration logs now properly bound and sealed in accordance with record-keeping requirements.

It is advisable to recruit a physician to ensure the provision of qualified primary medical care to students; to equip the psychologist's office with the necessary visual and didactic materials; and to increase the number of night caregiver staff, which currently consists of only two persons.

The NPG Members monitored the **Guba Boarding General Education school**.

The purpose of the visits was to assess the conditions of accommodation and treatment standards in the facility, the organization of their leisure time, and the state of proper documentation.

Within the framework of the visits, accommodation conditions, including its dorms, medical unit, classrooms, kitchen, and other administrative premises, were inspected. In addition, the organization of leisure time, nutrition, provision of hot and cold drinking water, and documentation practices were examined.

In order to assess issues related to treatment, persons held in the facility were interviewed in private by NPG Members, and the situation regarding the safeguarding of their rights was examined on-site.

It should be noted that, during the visit, it was observed that certain shortcomings identified during the previous visit to the facility had been addressed, while some deficiencies still remain.

At the conclusion of the visits, an awareness talk was held with the management and responsible staff, who were provided with recommendations on how to address the shortcomings identified.

The NPG Members carried out a visit to the **Guba Special Vocational School** to assess the conditions of accommodation and treatment in the facility, and to monitor the situation of the protection of the rights of children and the state of proper documentation.

To assess issues related to treatment, four persons held in the facility were interviewed in private by NPG Members, and the situation regarding the protection of their rights was examined on-site.

It was observed that the conditions of accommodation at the facility are not suitable for children, and that opportunities for quality education, the effective organization of leisure time, and the acquisition of vocational skills are at a low level. The institution lacks appropriate conditions to ensure the behavioural correction and social reintegration of children who have committed socially dangerous acts, including the provision of their

psychological, medical, and social rehabilitation, and there is a serious need for the establishment of such services.

This institution, where adolescents who have not reached the age of criminal responsibility as specified by the criminal legislation of the Republic of Azerbaijan are held, does not comply with the requirements of the Model Regulations on Open and Closed-Type Special Educational Institutions approved by Cabinet of Ministers Decision No. 65 dated 13 May 2003.

During the visit carried out to the **Siyazan City Integrated Boarding Gymnasium**, the accommodation conditions in dorms, medical unit, classrooms, kitchen, and other administrative premises, the organization of leisure time, nutrition, provision of hot and cold drinking water, and documentation practices were inspected.

The NPG Members interviewed four persons in private to assess treatment and the situation regarding the protection of their rights. During interviews, it was found the provision of hot and cold drinking water during nighttime hours problematic. No other complaints were reported.

During the inspection of the dining hall and kitchen, the food storage area, sanitary and hygienic standards, and storage requirements were found consistent, and the food products had not exceeded their expiry dates.

Khinalig Village Full-Cycle Secondary School, named after R. Kalbiyev was also monitored.

It was established that the storage conditions for certain types of food products in the facility did not meet the required standards, that unsanitary conditions prevailed in the kitchen, food storage area, and sanitary facilities, that the medical unit had an insufficient supply of medicinal products, and that the sports hall was in an unserviceable condition.

It is appropriate to take the necessary measures to ensure quality education for children and the effective organization of their leisure time.

During the visit carried out to the **Lankaran City Special Boarding School for Children with Disabilities**, all buildings, including sleeping areas; medical and classroom facilities; the psychologist's and speech therapist's rooms; the dining hall and kitchen; recreational areas; and the overall territory of the institution were inspected. Individual and group interviews were held with the management, staff, and children, and relevant documentation and registration logs were reviewed.

The medical unit of the facility was inspected; it was found that the shortcomings identified during the previous visit had been addressed.

However, during the inspection of the dining hall, it was established, as previously identified during the earlier visit, that the daily menu was not adhered to and that changes were made to it by the head cook.

The NPG carried out a scheduled visit to the **Balakan City Integrated Boarding Gymnasium** and identified there a number of shortcomings and deficiencies. The walls and all sanitary facilities were swell because of dampness, and certain sections of the flooring in the meeting hall and several classrooms were found to be rotten and in an unfit condition.

It was observed that appropriate entries were not made in the doctor's consultation register and the register for the distribution of medicinal products at the gymnasium. The management of the gymnasium stated that the position of a pediatrician is currently vacant and that, in the absence of a doctor, parents are informed when children fall ill, and, where necessary, recourse is made to the emergency department of the Balakan District Central Hospital.

It was found that the children were not provided with toothpaste and toothbrushes, and that the number of duvets was significantly lower than the number of beds. It was

reported that blankets were additionally supplied as a substitute for duvets, and the clothes dryer was not functioning.

During the visit, an event entitled "The Role of the Ombudsman in the Protection of Children's Rights" was also held at the gymnasium with the participation of teachers and pupils.

The visit carried out to the **Mingachevir City Integrated Boarding Gymnasium** aimed to assess the treatment of resident and non-resident children of various age groups in the institution, the protection of their rights, and the conditions of accommodation as well as the state of proper documentation.

It was observed that the major renovation works on the academic building and dormitory had not been completed, as the internally displaced families residing there were not relocated, which made it impossible to finalize the renovation works.

It was found that the facility lacked a meeting hall, a sports hall, and a refrigerator for the storage of medicinal products.

The children interviewed in private expressed satisfaction with the treatment they received.

During the visit, a legal awareness-raising event was also held at the gymnasium with the participation of teachers and pupils within the framework of the "Child Rights Month" from 20 October to 20 November.

During the visit carried out by NPG Members to the **Sheki City Integrated Boarding Gymnasium**, the medical unit, isolation room, psychologist's and speech therapist's rooms, recreation areas, classrooms, kitchen, dining hall, food storage area, dormitories for boys and girls, sanitary facilities, bathhouse, laundry, and sports hall were inspected.

It was observed that lighting in the dormitories of the gymnasium was inadequate due to a number of light fixtures being out of order. The bathing facilities must be repaired and brought into full working condition. It was also established that there was no hot water in the shower room in the yard.

2.2.5. Institutions of the Ministry of Labor and Social Protection of the Population

In 2024, the Ombudsman and NPG members carried out 21 monitoring visits to institutions under the Ministry of Labor and Social Protection of the Population.

The visits to these institutions were implemented in accordance with the Constitutional Law on the Ombudsman; the UN CRPD; the Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care (MI Principles); the UN Principles for Older Persons; the UNGA recommendations under the International Ageing Plan of Action; and other relevant international standards.

Social Service Agency No 2. for Children with Disabilities under the age of 18 was monitored.

The objective of the visit was to investigate the living conditions of child residents, being involved into abilitation and rehabilitation processes and treatment by the staff of the facility, and the situation of ensuring the rights of minors.

During the visit, which was attended by a doctor and a social worker members of the NPG, all facilities of the institution were inspected, including bedrooms, rehabilitation rooms, a dining room and kitchen, recreation rooms, and the common area, in order to monitor general accommodation conditions.

Furthermore, on the basis of the approaches to children living in the institution, as well as individual and legal educational conversations with the management, employees, and medical staff, the current situation was studied.

At the end of the visit, NPG Members held legal educational discussions with the management and employees of the social service facility based on national legislation and international standards, including the CRC, and made recommendations on increasing attention to the implementation and protection of children's rights and improving the activities of the social facility in this area.

The NPG Members carried out visits to the **Goygol District Psychoneurological Social Service Institution No. 3**.

During a monitoring visit conducted in February at an institution (capacity of 135 persons), it was observed that 119 individuals in difficult living conditions were accommodated. During a subsequent visit in September, this number increased to 134 individuals. Six out of residents were elderly persons over the age of 70. Out of those accommodated, 45 individuals have confirmed disabilities, while the disability status of the remaining individuals has not been assessed.

One death was recorded during 2024. Furthermore, throughout the year, it was found that, there were no cases of self-harm that occurred; Certain positive findings include the adequate organization of meetings of residents with their relatives and provision of an internal telephone system for their phone conversations; maintenance of hygiene control; availability of ventilation systems in the wards; the cleanliness of bathrooms and sanitary facilities; and provision of appropriate conditions for visitors meeting with patients.

Although residents of the institution have the right to receive free psychological assistance in accordance with the Law "On Psychological Assistance," the position of psychologist in the institution is currently vacant.

Moreover, the institution lacks qualified social workers necessary for the provision of quality social services; one of the two social worker posts remains vacant. In addition, only one qualified neurologist is employed, which is insufficient to ensure the effective implementation of individualized rehabilitation programs. The existing staffing levels are therefore not commensurate with the number of residents.

Eight residents have no ID documents for various reasons, which hinders the exercise of certain rights, including disability assessment. Therefore, it is necessary to ensure the provision of legal assistance to these individuals to find archival records or establish legally significant facts through court proceedings.

The mentor and psychologist rooms of the institution should be provided with appropriate visual and didactic materials.

The NPG Members implemented a monitoring visit to **Ganja City Psychoneurological Social Service Institution No.4**.

The institution's capacity is 110 persons. On the day of the visit, 108 individuals in difficult living conditions were accommodated, including one resident aged over 70. Disability status had been confirmed for only 54 residents.

While the institution's staffing establishment is for 66 positions, only 51 staff members are currently employed. Several key positions necessary for its proper functioning remain vacant, including psychiatrist, social worker, mentor, coordinator, methodologist, and nursing staff posts.

In 2024, three cases of death among the residents were recorded.

As part of the monitoring visit, the institution's administrative and residential premises, including the yard, kitchen, dining facilities, food and inventory storage areas, and other facilities, were inspected.

As a result of malfunctioning sewage systems in the sanitary units within the wards, residents use shared sanitary facilities, which adversely impacts sanitary and hygienic conditions. While the general condition of the wards is satisfactory, some wards designated for male residents require minor repairs.

It was noted that some of the shortcomings identified during previous monitoring visits have been addressed. In particular, a psychologist has been appointed and psychological services have been initiated.

However, some shortcomings remain. In particular, the psychologist's room requires appropriate visual and didactic materials.

In accordance with the institution's profile, the psychiatrist post and one of the two social worker posts necessary for ensuring quality medical and social services remain vacant. This significantly hinders the effective provision of specialized medical and social services, including individualized rehabilitation programs, to the considerable number of residents.

Under Article 8.0.9 of the Law "On Social Services," residents of social service institutions have the right to a designated space for the performance of religious rites, subject to compliance with internal rules of discipline. No such space has been allocated in the institution.

Similarly, five residents have no ID documents for various reasons, and this creates problems for them to exercise certain rights, including disability assessment.

The NPG Members conducted a monitoring visit to Social Service Institution No. 2 for Children.

The institution's building is outdated and in need of capital repair.

Individual interviews were conducted with children to examine conditions of accommodation and treatment. The children indicated that cases of absconding from the institution are frequent, suggesting inadequate supervision by the management. This information was confirmed by staff, who stated that a dedicated register of such incidents is maintained. The register was examined, and the information was corroborated.

Staff further reported that the perimeter fence is low, and in a number of places can be easily breached.

Of particular concern is the practice whereby, following reports of absconding to local police authorities or the Ministry of Internal Affairs "102" call center, staff are instructed to attend the relevant police station to submit a written statement. Given that such incidents frequently occur at night, duty staff are often unable to leave children unattended to comply with this requirement.

Urgent measures are required to prevent cases of absconding from the institution in the interest of safeguarding the life, health, and safety of the children.

The institution is not fully equipped with surveillance cameras; comprehensive CCTV coverage is required.

Staff shortages were observed in the institution. Of the 101 established posts, only 70 are currently occupied. The dentist position remains vacant, which gives rise in practice to serious concerns regarding the protection of children's right to health.

There is a need to ensure the psychologist's participation in relevant training and capacity-building activities, as well as to strengthen the overall provision of psychological services within the institution.

Issues related to the provision of hot water were also identified.

The interviewed children reported that clothing is not provided by the institution and that they rely on relatives and donations for their clothing needs. Some children also alleged bullying and ill-treatment by other residents.

During the inspection of the dining facilities and food storage areas, it was established that the meals prepared did not correspond to the menu for the respective day. Furthermore, several expired food products and food items unfit for consumption were identified.

Enhanced oversight of compliance with hygiene standards is required within the institution.

During the monitoring visit to **Social Service Institution No. 3 for Children**, it was noted that, following recent assessments, disciplinary measures had been imposed on several staff members, including the head of the institution, with 12 staff members receiving reprimands. Two of them subsequently resigned voluntarily.

The institution is affected by staff shortages. Of the 61 established posts, only 42 are currently occupied. In particular, the need for a clinical psychologist position has been identified.

Non-compliance with food storage requirements was identified in the kitchen of the social service institution.

Ganja City Child Care Social Service Institution No. 4 was monitored of the Social Services Agency by the Ministry of Labor and Social Protection of the Population.

Although construction of the second building of the children's home has been completed, it remains non-operational due to the absence of formal handover procedures and connection to essential utilities (electricity, gas, and water), despite the need for its use. It is therefore recommended to accelerate the commissioning of the second building.

Psychologists, social workers, and social care staff delivered services in the facility. However, in the absence of a qualified speech therapist post, children with speech impairments are unable to benefit from speech therapy services. Furthermore, the two existing night caregiver posts are not commensurate with the number of children, and an increase in staffing is required to ensure adequate and quality care provision.

During the monitoring visits, interviews were conducted with the residents of the children's home. Their overall living conditions (including clothing, cleanliness of bedding, availability of personal hygiene items, and educational/visual materials) were found to be satisfactory. No complaints concerning conditions of accommodation or treatment were reported by the residents.

During the inspection of the medical room, it was established that medical supplies and pharmaceutical products were available, storage requirements for medicines were complied with, records of medical care were duly maintained, and the necessary equipment for medical examinations was in place.

During the inspection of the psychologist's room, it was observed that individual records on the psychological profiles of each resident were maintained, various psychological tests and methods were employed, and the room was appropriately equipped with visual materials.

Due to the incomplete installation of the heating system, the building is only partially heated, which hampers the full use of the institution's premises during the winter period.

As a result of the deteriorated condition of the building's roof, water leakage into the rooms has been observed, leading to structural damage. The roof therefore requires repair.

Furthermore, it is recommended to renew furniture and individual clothing cabinets that have been in use for over 10 years.

A monitoring visit was conducted to the **Social Service Institution for Elderly Persons** under the Social Services Agency of the Ministry of Labor and Social Protection of the Population.

On the day of the monitoring visit, 25 posts within the institution's staffing establishment were vacant, of which two were physician (therapist) positions.

It was found that nine residents lack identity documents for various reasons, which hinders the exercise of certain rights, including disability assessment.

It was noted that a significant number of the shortcomings identified during previous monitoring visits have been addressed, the surrounding area has been improved, and sports facilities have been established. It is commendable that a qualified specialist has been appointed to the previously vacant psychologist post.

It was reported that the condition of some dormitory bedrooms is unsatisfactory, that accommodation conditions in the second building require improvement, and that artificial lighting in certain rooms does not comply with applicable standards. In addition, upgrading of the heating system and major renovation works are required.

For the purpose of assessing treatment, interviews were conducted with elderly residents, who did not report any complaints regarding their treatment by the institution's management and staff.

At the conclusion of the monitoring visit, members of the MPQ conducted a follow-up meeting with the institution's management. Certain deficiencies were remedied on site, while recommendations were issued to address the remaining issues.

2.2.6. Institution of State Tax Service under the Ministry of Economy

The NPG Members carried out a monitoring visit to the ***TDP of the Main Department for the Preliminary Investigation of Tax Crimes under the State Tax Service of the Ministry of Economy of the Republic of Azerbaijan.***

Overall, detention conditions in the TDP may be regarded as satisfactory. The administrative building is well maintained, and the holding cells and other premises meet the required standards.

No detainee was found in the facility. According to the management, no individuals have been held there since the current administrative premise was inaugurated.

During the examination of documentation in the duty unit, it was established that the relevant registers had been properly sealed.

However, a number of shortcomings were identified. In particular, expired pharmaceutical products were found in the medical room. Furthermore, natural lighting was inadequate, and the sanitary unit in Cell No. 2 was in a state of disrepair. Despite the absence of detained persons, the need to remedy these issues was communicated to the institution's management.

2.2.7. Institutions of the State Migration Service

As part of the Ombudsman's NPM mandate, preventive visits are also carried out to the State Migration Service's accommodation centers for irregular migrants.

In 2024, NPG Members carried out a monitoring visit to the ***Baku City Temporary Detention Center for Irregular Migrants*** under the State Migration Service.

During the first monitoring visit, 47 persons (2 women) were found to be accommodated in the institution, all on a voluntary basis.

Positive aspects include the absence of overcrowding and the fact that detainees did not raise complaints regarding their treatment. However, some shortcomings were identified. Detainees were provided with tea only once per day (in the morning), while for the rest of the day they relied on tap water. Furthermore, the library collection was found to be inadequate.

In order to examine issues related to treatment, approximately 20 persons were interviewed. They indicated that the food was of poor quality, lacked variety, and was insufficient in quantity. Migrants also reported that medical care was largely formal in nature and expressed dissatisfaction with the doctor. Furthermore, several written complaints addressed to the Ombudsman were received from migrants.

During the inspection of the medical room, expired pharmaceutical products, including "Ichthyol," "Novarest," and "Additive Vitamin C," were found.

The objective of a second monitoring visit to this facility, which was implemented in accordance with the OPCAT and "Constitutional Law on the Ombudsman," was to examine a complaint addressed to the Ombudsman by A.A., a citizen of the Islamic Republic of Afghanistan.

The NPG Members interviewed the person concerned individually in a confidential manner. He did not raise any complaints regarding the conditions of detention, staff treatment, or the medical services provided.

During the monitoring visit to the **Detention Centre for Irregular Migrants in Nakhchivan** under the State Migration Service of Azerbaijan, all areas of the facility were inspected, and there were no persons there. According to the information provided, a total of six foreign nationals were accommodated at the facility during the current year.

Monitoring visits were carried out by NPG Members to the **Yevlakh Detention Centre for Irregular Migrants** under the State Migration Service of the Republic of Azerbaijan.

During the monitoring visits, an inspection was carried out of the center's administrative building; the two-storey temporary accommodation facility for voluntarily accommodated persons; the facility for persons held under compulsory measures; as well as the laundry and bathing facilities, kitchen, dining area, food storage, visiting room, other service premises, and the sports ground. No foreign nationals or stateless persons were present at the center during either visit.

During the examination of personal files relating to detainees previously held in the institution, no unlawful practices were identified.

During the monitoring visits, a number of deficiencies were identified. In particular, the center does not employ a medical staff member qualified as a physician. This situation impedes the full compliance with legal requirements to ensure that newly admitted persons undergo medical examinations (including radiological, laboratory, and other tests) within 24 hours.

The medical room of the center requires an appropriate refrigerator to ensure proper storage of medicines requiring special conditions, thereby preserving their quality within their shelf life. In addition, the psychologist's room should be equipped with relevant visual and didactic materials to support the effective provision of psychological services.

The center also has vacant posts for a barber and a driver.

2.2.8. Institutions of the Ministry of Defence

The NPG Members implemented two visits to the places where persons cannot leave at their own will under the Ministry of Defense in 2024.

The **Military unit of disciplinary nature No. N** was inspected. In the course of the visit to the detention regime of the servicemen, their living conditions, the effective organization of their leisure time, the protection of their health, their nutrition, and other related matters were examined. It was found that the treatment of the convicts was appropriate, that natural lighting and cleanliness in the dorms complied with the detention regime, and that the beds and bedding provided for the convicts were clean, orderly, and sufficient in number. Appropriate conditions had been created for the convicts to spend their leisure time, and a sports facility was in operation.

The NPG Members had a meeting with the servicemen to increase their awareness of human rights, including the rights of servicemen, and the activities of the Ombudsman in this area, as well as existing military legislation and regulations. Numerous questions were answered during these meetings. The servicemen reported no complaints regarding their conditions of detention, the treatment they receive, nor their nutrition.

The NPG Members presented to the military unit command the posters of the Ombudsman's 916 Call Center to hang on them in a clearly visible place within the facility.

The military unit command were given relevant recommendations in accordance with the national legislation and international standards on how to further improve detention conditions and treatment issues.

2.2.9. Institutions of the State Security Service

Within the framework of the NPM mandate, the Ombudsman and her NPG conducted visits to the institutions of the **Temporary Detention Center and Investigation Isolator of the State Security Service** of the Republic of Azerbaijan

The purpose of the visits was to examine the detention conditions and treatment standards within the institution, as well as to investigate information received regarding detained persons, including information disseminated in media outlets.

The Ombudsman and NPG Members interviewed the detained persons in a confidential manner to investigate detention conditions and treatment. Applications were reviewed on-site, measures were taken to resolve issues on the spot, and, where necessary, and relevant authorities were appealed accordingly.

Individuals of Armenian origin, who were involved in the investigation as accused under the relevant articles of the Criminal Code of the Republic of Azerbaijan, in respect of whom a measure of pre-trial detention had been applied, and who are charged with committing criminal offenses, were admitted to the institutions. Their conditions of detention, the treatment, and the accessibility of medical services were examined during the visits. They were informed about the mandate of the Ombudsman, and materials outlining their rights were provided to them in their native language.

During 2024, the NPG Members carried out follow-up visits to the institution. During these visits, detention conditions, nutrition, treatment, the provision of medical care, and the level of enjoyment of other rights were examined, and detained persons were received individually.

During the visits, the physician member of the NPG conducted medical examinations in the medical-sanitary unit of the institution. Detainees were examined on a random basis, as well as those who applied for examination, and their medical documentation was reviewed.

Following the visits, discussions were held with the leadership of the institution, and relevant recommendations were provided in accordance with national and international legislation.

CHAPTER III

LEGAL ANALYSIS

One of the areas of activity carried out within the framework of the Ombudsperson's national preventive mechanism is the legal analysis of information obtained during preventive visits and legal awareness-raising activities.

During visits carried out by the Ombudsman and NPM members to places where individuals cannot leave of their own free will, both written applications addressed to the Ombudsman and the substance of calls received by the 24-hour 916 Call Center were considered significant for analytical purposes.

Proposals and recommendations prepared as a result of the legal analysis of norms affecting the interests of individuals are submitted by the Ombudsman to the relevant state authorities and, in most cases, are positively resolved.

The implementation of repair and rehabilitation works in the institutions where monitoring is carried out, as well as, in some cases, the construction and commissioning of new facilities, is important for improving the detention conditions of persons.

The commissioning of a modern penitentiary complex in Lankaran should be particularly noted. With a total capacity of 1,300 persons and constructed in two sections, the complex will accommodate accused persons and convicts from Lankaran and the surrounding regions. This will allow them to meet with their family members without loss of time and without incurring additional travel expenses.

Although the commissioning of the aforementioned institution contributed to a reduction in overcrowding, visits carried out during the previous year revealed that this problem still persists in the Baku Pre-Trial Detention Facility, Pre-Trial Detention Facility No. 2, and Penitentiary Institutions Nos. 7, 15, and 17.

As is known, in its Decision No. 2 dated 3 November 2009 on judicial practice in reviewing applications for preventive measures of detention and house arrest, the Plenum of the Supreme Court of the Republic of Azerbaijan recommends that, when considering submissions on the application of detention as a preventive measure, courts should first examine the possibility of applying other preventive measures specified in Article 154 of the Criminal Procedure Code of the Republic of Azerbaijan, and, if the submission is granted, provide justification as to why the application of a non-custodial preventive measure is not possible.

Furthermore, the judicial and legal reforms are carried out to ensure humanization of penal policy and the decriminalization of offenses, and to ensure to comply with the provisions of criminal procedural legislation regulating the grounds for imposition of detention as a preventive measure, and envisage the expansion of the application of alternative penalties and procedural coercive measures.

Nevertheless, the results of the analysis suggest that alternative preventive measures to detention are applied only in a limited number of cases. The Ombudsman considers it necessary to expand the practice of applying non-custodial penalties and preventive measures alternative to detention (such as house arrest, bail, personal surety, etc.), which do not involve isolating individuals from society.

The application of preventive measures alternative to detention, the completion of investigative actions within the shortest possible time, the strengthening of procedural supervision by the prosecution authorities, as well as giving priority to penalties alternative to deprivation of liberty, will have a positive impact on addressing the problem of overcrowding in penitentiary institutions.

Detainees and convicts should have access to a doctor at any time, irrespective of their detention regime, and requests for medical examinations must be arranged without unnecessary delays.

The problem of overcrowding in institutions also leads to delays in medical examinations and treatment. During 2024, the initial examinations (including X-ray, laboratory tests, and ultrasound) of convicted and accused persons transferred to the Medical Institution of the Penitentiary Service, as well as their transfer to the relevant treatment departments, generally took 3–4 days. It is a matter of serious concern that some individuals whose examinations had been completed were kept for a certain period in the admission department due to overcrowding in the departments to which they were to be transferred.

It should be particularly emphasized that the institution lacks the necessary equipment to conduct computed tomography (CT) and magnetic resonance imaging (MRI) examinations. Delays have also been observed in organizing urgent diagnostic procedures, such as MRI, CT, and biopsy, for patients requiring such examinations in other medical institutions. For example, although a convicted person who was admitted to the Medical Institution on 19 April 2024 and transferred to the neurology department on 22 April 2024 with a diagnosis of acute radiculopathy was informed that an MRI examination would be arranged, the necessary measures had not been taken as of 22 May 2024.

In order to eliminate the negative impact of overcrowding on access to medical services, it is necessary, particularly in pre-trial detention facilities, where the number of detained persons is high, to align the availability of medical staff, medicines, and other medical supplies with the actual number of detainees rather than the official capacity of the institution.

During visits to institutions of the Penitentiary Service, expired medicines were identified (in Pre-Trial Detention Facility No. 2 and Penitentiary Institution No. 15). It was also observed that the registration journals of the medical-sanitary units were either not properly maintained or contained incomplete entries (in Pre-Trial Detention Facility No. 2 and Penitentiary Institutions Nos. 5 and 7). In some institutions, the provision of medicines was found to be unsatisfactory, and, in particular, medications were not provided for persons suffering from neurological conditions (such as epilepsy, cerebral palsy, and others), as well as for those with HIV/AIDS and diabetes (in Penitentiary Institutions Nos. 2 and 5).

Failure to comply with the storage requirements for medicinal products was also detected, including cases where medicines requiring refrigeration were stored improperly (in Penitentiary Institution No. 5).

Furthermore, during receptions conducted within the framework of the visits, some convicted persons complained about medical services, indicating difficulties in accessing medical consultations and encountering obstacles in obtaining examinations and treatment.

As is known, under criminal legislation, depending on the term of the sentence of deprivation of liberty imposed by the courts, individuals who have committed criminal acts of the same nature and degree of social danger may be assigned to serve their sentences in different types of penitentiary institutions.

Pursuant to Article 56 of the Criminal Code of the Republic of Azerbaijan, persons convicted of crimes committed through negligence and sentenced to deprivation of liberty for a term not exceeding five years serve their sentences in settlement-type penitentiary institutions, whereas those sentenced to deprivation of liberty for a term exceeding five years serve their sentences in general regime penitentiary institutions. Furthermore, under the same article, persons who have been sentenced to deprivation of liberty for the first

time for intentional crimes that do not pose a great public danger, as well as for less serious and serious crimes, also serve their sentences in general regime penitentiary institutions.

The placement of persons convicted of negligent offenses in the same regime-type penitentiary institutions as those convicted of intentional less serious, or serious crimes may expose them to the negative influence of such offenders and adversely affect their rehabilitation. This approach is also inconsistent with the Nelson Mandela Rules.

According to the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), prisoners belonging to different categories shall be held in separate institutions or in different sections of the same institution, taking into account their sex, age, criminal record, the legal grounds for their detention, and the requirements of their treatment. Under these Rules, the primary purpose of classification is to separate prisoners from those who, by reason of their criminal background or negative personal characteristics, may have a harmful influence on them, and to facilitate their rehabilitation by grouping them into categories that support their reintegration into society.

Taking into account the above, as well as the practice of foreign countries whereby persons convicted of reckless imprudence crimes serve their sentences in the least restrictive types of penitentiary institutions, it is considered appropriate to establish separate penitentiary institutions designated specifically for such persons on the basis of settlement-type institutions, and to enshrine in legislation the requirement that persons convicted of negligent offenses serve their sentences in these institutions regardless of the length of the sentence imposed.

Furthermore, it would be appropriate to establish a specialized penitentiary institution for persons aged 18 to 24 who have been sentenced to deprivation of liberty for the first time for intentional crimes that do not pose a great public danger, as well as for less serious and serious crimes. It would also be advisable to transfer persons who have reached the age of 18 while serving their sentences in juvenile correctional institutions to such facilities.

The establishment of such an institution, where opportunities for higher education would also be ensured, could have a positive impact on the rehabilitation of detainees, as well as on their social reintegration after completion of their sentences. The creation of these institutions may also contribute positively to addressing the problem of overcrowding in penitentiary institutions.

As is known, considering the Ombudsman recommendation, amendments to the Execution of Sentences Code of the Republic of Azerbaijan have established the right of persons sentenced to a fixed term of deprivation of liberty to have video calls twice a week and of persons sentenced to life imprisonment to have video calls once a week, each with a duration of fifteen minutes.

According to the analysis, it was determined that in 2024 certain restrictions were imposed in some institutions on the exercise of the right of detained persons to conduct video calls. Such restrictions are justified by the posting of video interviews on social networks in some cases, and in other cases, by limited technical capabilities.

In this regard, the Ombudsman proposes that appropriate amendments be made to the Law "On Ensuring the Rights and Freedoms of Persons Held in Places of Detention" in order to establish the right of detained and arrested persons to have video calls with their relatives.

During visits to institutions of the Penitentiary Service, instances of joint detention of persons belonging to different categories have been observed. Despite the legal prohibition of such practices, visits to Pre-Trial Detention Facility No. 2 of the Penitentiary Service revealed that persons accused of committing a crime for the first time were held together with those who had previously served sentences of deprivation of liberty, as well as cases where minors were detained together with adults.

Instances of persons belonging to different categories being held together have also been observed during visits to temporary detention facilities.

In 2024, during visits to a number of TDPs in Baku and the regions, instances were identified where persons suspected of committing a crime for the first time were held together with individuals who had previously been deprived of liberty. In this regard, the requirements of the legislation were explained to police officers. During explanatory discussions held with the management and staff of the facilities, it was in some cases established that they were not sufficiently aware of this requirement of the legislation.

In some TDPs, the issues related to the provision of adequate lighting, heating, and sufficient seating in accordance with the number of detained persons, as well as to organizing outdoor exercise areas in line with international standards and creating the necessary conditions for physical activity in the open air should be paid specific attention. Shortcomings and deficiencies related to non-compliance with the requirements and standards established by legislation were most frequently observed in the TDPs of the DPDs of Saatli, Sabirabad, Siyazan, and Gakh.

The problem of overcrowding persists in psychiatric institutions under the Ministry of Health of Azerbaijan. There are also a lack of medical personnel, including both doctors and mid-level medical staff.

A significant number of individuals remain on waiting lists for treatment in narcological medical institutions. These facilities also experience a shortage of qualified professionals, particularly narcologists and clinical psychologists, underscoring the need to increase the availability of specialists in these fields.

During visits conducted to institutions under the Ministry of Science and Education, it was observed that a number of the recommendations and suggestions made during previous monitoring had been implemented; however, certain shortcomings remained unresolved. It is therefore necessary to further improve conditions in institutions requiring major renovation, particularly in boarding-type gymnasiums providing integrated education.

In boarding schools providing education for children with disabilities, there were shortcomings in the provision of appropriate textbooks and teaching materials for students in middle and upper grades enrolled in special education. In such institutions, it is necessary to strengthen attention to the mental health of minors, to develop standard documentation and templates for individual work plans about psychological support, and to ensure that facilities designated for such activities are adequately equipped with the necessary teaching aids.

During the visits, a need was identified to ensure the effective organization of children's leisure time, as well as to better assess and develop their interests and abilities, including vocational interests. It was also observed that most schools lack the necessary material and technical resources, including workshops, for the provision of vocational training and practical skills development.

Children's homes visited that were previously under the authority of local executive bodies visited within the framework of the Ombudsman's NPM, by Cabinet of Ministers Decision No. 436 of Azerbaijan dated 5 December 2023, were transferred to the Social Services Agency under the Ministry of Labour and Social Protection of the Population of Azerbaijan.

The process of transferring to the aforementioned institutions, reorganized as public legal entities to the Social Services Agency, was completed in 2024. The subordination of these institutions to a specialized body responsible for the provision of social services creates favorable conditions for strengthening the social protection and support of children deprived of parental care, for implementing systematic measures aimed at their

reintegration into society, and, overall, for ensuring better protection of the rights of this category of children.

Furthermore, based on the findings, it must be said that it is necessary to conduct reforms and introduce of new approaches in the field.

During the visits, it was established that social service institutions are experiencing staff shortages and that there is a need to fill vacant positions. The absence of a psychologist position (for example, at Psychoneurological Social Service Institution No. 3) creates difficulties in ensuring residents' right to receive free psychological assistance as guaranteed by the Law of the Republic of Azerbaijan "On Psychological Assistance." In addition, due to the lack of a qualified speech therapist position at Child Care Social Service Institution No. 4, resident children with speech impairments had to use such services at another institution. It would be appropriate to allocate speech therapist positions within child care social service institutions.

During visits to social service institutions, it was established that some residents do not possess identity documents. For example, 8 persons in Psychoneurological Social Service Institution No. 3, 5 persons in Psychoneurological Social Service Institution No. 4, and 9 persons in a social service institution for the elderly were found to lack ID cards for various reasons. This creates difficulties in the assessment of their disability status. Furthermore, it is necessary to organize legal assistance for these individuals to facilitate the retrieval of archival records or the establishment of legally significant facts through judicial procedures.

The individuals held in the Detention Center for Irregular Migrants in Baku under the State Migration Service of the Republic of Azerbaijan raised complaints regarding both the variety and quantity of food provided. There is a need to enhance the quality of medical services at the Center, as well as to improve the supply of medicines and give increased attention to nutrition-related issues.

During a visit to the Detention Center for Irregular Migrants in Yevlakh, it was established that the position of a physician was vacant. This creates difficulties in complying with the requirement that foreign nationals be medically examined by a doctor within 24 hours of admission to the Center and that a medical record be prepared for each individual. It was also observed that the center lacks the necessary equipment for radiological and laboratory examinations.

In general, visits conducted throughout the year revealed that most institutions where persons are not free to leave at their own will face a shortage of qualified personnel, including medical professionals. The Ombudsman recommends the development of an appropriate mechanism to facilitate the employment of qualified specialists who have retired due to age in such institutions.

Within the framework of the Memorandum of Understanding signed between the Ombudsman and the Human Rights and Equality Institution of Türkiye (TİHEK), a delegation composed of the head of the institution and its staff visited Azerbaijan. During the visit, joint monitoring visits were carried out together with the Ombudsman's NPG Members to places where persons are not free to leave at their own will, including the Umbaki Penitentiary Complex of the Penitentiary Service of the Ministry of Justice and the temporary holding facility of the Garadagh District Police Department, and the Azerbaijani experience in this field was studied.

CHAPTER IV

LEGAL EDUCATION

The organization of legal awareness activities is one of the main areas of activity of the Ombudsman in their capacity under the NPM. The regular legal education activities for law enforcement officers and NGOs are very important, taking into account their contribution to the more effective protection of human rights.

The 2024 Action Plan on awareness-raising activities aimed at increasing the effectiveness of the protection and promotion of human rights and freedoms, approved by the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, has been successfully implemented.

To implement the Action Plan for strengthening legal culture in society and to increase the awareness of state institutions and civil society organizations in the field of the protection and promotion of human rights, the Ombudsman Office organized a series of awareness-raising events in Baku and across the regions of the country.

Within the framework of the implementation of the Action Plan, a training session on "The Ombudsman's National Preventive Mechanism Activities" was conducted at the Ombudsman Office for the management and staff of boarding-type general education institutions operating under the Ministry of Science and Education in the city of Baku. Representatives of the Ombudsman's North, South, West, and Northwest Regional Centers, as well as the Nakhchivan Ombudsman Office, also joined the training online.

Ombudsman delivered an opening speech at the training, providing detailed information on the activities carried out within the mandate of the National Preventive Mechanism aimed at preventing torture and other cruel, inhuman, or degrading treatment or punishment. Emphasizing the importance of increasing awareness and legal knowledge in this field, the Ombudsman noted that citizens' complaints regarding human rights violations are carefully examined and that, where violations are identified, urgent measures are taken within the scope of her mandate.

Subsequently, the staff of the Office delivered presentations on the topic. The presentations provided participants with information on regular monitoring visits conducted to institutions where persons are not free to leave at their own will, including educational institutions, with a view to examining issues of treatment and conditions of detention, as well as on the recommendations issued and the status of their implementation.

At the conclusion, an exchange of views on the topic was held, and the questions were answered.

Within the framework of the implementation of the said Action Plan, legal awareness-raising activities were also organized in educational institutions responsible for the training of personnel for law enforcement bodies. A lecture on the topic "The Ombudsman's Role in the Protection of Human Rights and the Activities of the National Preventive Mechanism" was delivered at the Justice Academy for candidates for judicial positions by the Deputy Head of the Ombudsman Office, Head of the National Preventive Group.

Taking into account the initiatives and proposals of the Ombudsman, extensive information was provided on the reforms implemented in the national legislation of the Republic of Azerbaijan, as well as on the activities of the Ombudsman in the field of human rights protection and the exercise of the functions of an independent monitoring mechanism. In addition, the provisions of the Constitutional Law on the Ombudsman were delivered as part of the training.

In accordance with the relevant Presidential Decree on ensuring the implementation of the OPCAT, the Ombudsman has been designated as the institution performing the NPM functions. In this context, information was provided to the participants, with references to both national and international practice, on the regular visits conducted to institutions

where persons are not free to leave at their free will, the recommendations issued, and the status of their implementation, with a view to ensuring more effective activities in this field.

The activities carried out by the Ombudsman of Azerbaijan in the field of human rights protection, including in the capacity of the NPM, were received with great interest by the participants, and their questions on the topic were duly addressed.

A lecture on the topic "The Ombudsman's NPM Activities" was delivered at the Justice Academy for the staff of the Penitentiary Service.

The Ombudsman has been designated as the institution performing the NPM functions in accordance with the relevant Decree of the President of the Republic of Azerbaijan, Mr. Ilham Aliyev, on ensuring the implementation of the OPCAT. In this regard, information was provided to the participants on the visits conducted to institutions where persons are not free to leave at their free will, as well as on the recommendations issued and the status of their implementation.

The staff of the Penitentiary Service were provided with training on the European Prison Rules, the Nelson Mandela Rules, the United Nations Basic Principles for the Treatment of Prisoners, the SPT recommendations, and the standards set out in the CPT general reports of the European Committee for the Prevention of Torture (CPT).

Questions regarding the activities carried out by the Ombudsman in the NPM capacity were responded.

At the Justice Academy, a presentation on the topic "The Ombudsman's NPM Activities" was delivered by the staff of the Ombudsman Office within the framework of an advanced training course aimed at enhancing the legal knowledge of employees of the Forensic Expertise Center of the Ministry of Justice, as well as newly recruited personnel of the Medical Service.

The Ombudsman Office also organized a seminar on the topic "Protection of the Rights of Foreigners and Stateless Persons Held in Institutions Where They Are Not Free to Leave at Their Own Will".

The event, organized with the aim of enhancing knowledge and skills in the relevant field, was attended by representatives of a number of state bodies, non-governmental organizations, and international organizations. The Ombudsman of Azerbaijan and the Head of the Representation of the United Nations High Commissioner for Refugees (UNHCR) in the country delivered opening remarks at the event.

The Ombudsman emphasized the importance of improving the relevant legislation and human rights protection mechanisms concerning the protection of the rights of foreigners and stateless persons, as well as raising awareness in this field. She also noted that joint activities are organized in cooperation with national and international institutions, as well as civil society organizations.

The Ombudsman informed the participants that, as an integral part of activities in the field of international cooperation, meetings, consultations, and projects are regularly carried out in partnership with international organizations specialized in the relevant field.

The Ombudsman, speaking about the activities carried out within the NPM mandate, stated that visits are conducted to institutions where persons are not free to leave at their own will, and that issues related to treatment and conditions of detention are examined. It was noted that, within the framework of these visits, individuals whose applications are received and reviewed also include foreigners and stateless persons, and that the protection of their rights occupies a significant place in the Ombudsman's activities.

Subsequently, representatives of the Ombudsman Office, as well as other state institutions, along with local and international experts, delivered presentations and provided comprehensive information on the activities carried out in the relevant fields, as well as on international practices. In addition, developments achieved in this area within

national practice, as well as the practices established by the Ombudsman, were brought to the attention of the participants.

At the conclusion, a comprehensive exchange of views on the topic was held, and the questions of interest to the participants were addressed.

Various meetings, organized in 2024 in institutions where persons are not free to leave at their own will, constituted an integral part of awareness-raising activities targeting both the persons held in those institutions and the management and staff of such institutions.

The Ombudsman held a meeting at the Juvenile Correctional Facility of the Penitentiary Service of the Ministry of Justice.

In her speech, the Ombudsman emphasized that maintaining a healthy lifestyle, continuing education, acquiring new knowledge, and making effective use of free time are of great importance for the development of minors as exemplary members of society. The Ombudsman also noted that the state creates necessary conditions to support their reintegration and adaptation into society after their release.

Within the framework of the event, detailed information was provided on the rights of these individuals, and the procedures for applying to the Ombudsman, as well as the Ombudsman's NPM powers.

Within the framework of the implementation of the Action Plan on awareness-raising activities aimed at increasing the effectiveness of the protection and promotion of human rights and freedoms, approved for 2024 by **the Ombudsman of Azerbaijan**, an awareness-raising event on the topic "The Inadmissibility of Violence against Children" was organized by the Ombudsman's West Regional Center at the Boarding School Gymnasium for Foreign Oriental Languages in Ganja.

Participants were provided with detailed information on the activities of the Ombudsman in the protection of children's rights, as well as on the existing national legislation and international instruments in this area.

During the interactive discussions, the questions were answered.

A similar event was held at the Ganja Integrated Boarding School Gymnasium under the Ministry of Science and Education within the framework of the "Child Rights Month" declared in the country from 20 October to 20 November by the Ombudsman. During the events held on the topics "Children's Rights and Responsibilities," "Know Our Rights, Protect the Environment!" and "Environment and Children's Rights," participants were provided with information on the Ombudsman's activities in the field of the protection and promotion of children's rights, as well as on the expansion of her mandate in this area through amendments made to the Constitutional Law on the Ombudsman.

A legal awareness-raising event on the topic "The Ombudsman's NPM Mandate as an Important Tool for the Prevention of Torture" was held at Pre-Trial Detention Facility No. 2 of the Penitentiary Service of the Ministry of Justice, located in the city of Ganja.

At the event, the Head of the Ombudsman's West Regional Center provided information on the Ombudsman's NPM mandate, as well as on the activities carried out in the field of protecting the rights and freedoms of persons held in places of detention, including women.

At the same time, the recent amendments to the Constitutional Law on the Ombudsman were brought to the attention of the participants.

At the conclusion, the questions were answered.

A roundtable dedicated to the topic "Mental Health Issues in Azerbaijan and the Rights of Persons with Mental Disorders" was organized by the Ombudsman Office.

Ombudsman delivered an opening speech at the roundtable, providing detailed information on her activities in the field of protecting the right to health of the population,

and noted that appropriate measures are being taken to examine and address the issues in this area.

Referring to the monitoring visits carried out to psychiatric institutions within the framework of the National Preventive Mechanism, the Ombudsman emphasized that such monitoring is of great importance for directly identifying existing problems and taking preventive measures. The Ombudsman noted that relevant proposals and recommendations have been submitted to the competent authorities regarding the elimination of certain shortcomings observed in some psychiatric hospitals, particularly in institutions located in the regions.

The speakers at the event provided information on the measures implemented in the country in the relevant field, highlighted efforts aimed at improving access to medical services, and presented their proposals and recommendations for addressing existing challenges in ensuring mental health nationwide.

Discussions on the topic were held during the roundtable, and the questions of interest to the participants were addressed.

CHAPTER 5.

PUBLIC AFFAIRS AND INTERNATIONAL COOPERATION

In the course of her activities, the Ombudsman maintains effective cooperation with local, regional, and international organizations. In this regard, the organization of public relations and international cooperation constitutes one of the areas of activity of the National Preventive Mechanism of Azerbaijan.

The exchange of information and the organization of joint activities with state and local self-government bodies, civil society, media entities, and regional and international organizations, as well as national preventive mechanisms of other countries, have been successfully continued, along with ensuring participation in various events.

In 2024, the national and international public were regularly informed about the activities of the National Preventive Mechanism of Azerbaijan. During the year, a total of 41 press releases were issued, including 28 related to monitoring visits and 13 related to awareness-raising and other activities.

Press releases, as well as reports on the activities of the National Preventive Mechanism, information on the composition of the National Preventive Group, and relevant normative acts were published in Azerbaijani and English in a dedicated section of the Ombudsman's official website. In addition to being made available on the Ombudsman's official website, the reports were also submitted to the relevant state bodies and international organizations.

The Ombudsman's social media accounts also played a significant role in highlighting the activities carried out in the capacity of the National Preventive Mechanism. All press releases were additionally shared on social media platforms.

International Cooperation. In 2024, the further expansion of international cooperation, as well as the exchange of experience and views, created broad opportunities for the effective implementation of the NPM activities of Azerbaijan.

In the capacity of the National Preventive Mechanism, the Ombudsman closely cooperates and exchanges experience with the United Nations and its treaty bodies, as well as with the International Coordinating Committee (ICC), the Global Alliance of National Human Rights Institutions (GANHRI), the European Network of National Human Rights Institutions (ENNHRI), the Council of Europe, the European Union, the OSCE, the International Committee of the Red Cross (ICRC), the Association for the Prevention of Torture (APT), and other international organizations, as well as with the National Preventive Mechanisms of various countries and Ombudsman associations.

The key areas of the Ombudsman's international engagement in the capacity of the National Preventive Mechanism include the organization of various meetings in the field of torture prevention, the implementation of joint activities, the participation of the Ombudsman and members of the National Preventive Group in international events, and the exchange of experience on a reciprocal basis.

In 2024, the Ombudsman and NPG members participated in meetings and a number of events with representatives of international organizations, international experts, and foreign counterparts.

As is known, on 8 January 2020, the fifth periodic report of the Republic of Azerbaijan on the measures taken to implement the OPCAT was submitted to the United Nations Committee against Torture. In this regard, the Ombudsman of Azerbaijan also submitted a supplementary report for the relevant period to the same Committee.

For the purpose of discussing the report, and upon the official invitation addressed to the Ombudsman by the United Nations Committee against Torture, the Deputy Head of the Ombudsman Office and Head of the National Preventive Group, along with the Head of the Department for Cooperation with International Organizations and Civil Society

Institutions, participated in a special meeting held with the Committee members on 22 April 2024 in Geneva, Switzerland.

During the discussions, the Committee members were provided with comprehensive information on the activities carried out by the Ombudsman within the framework of the NPM mandate, the innovations achieved in practice, and the preventive measures implemented. It was also emphasized that the recent amendments made to the Constitutional Law on the Ombudsman, taking into account the recommendations of the Committee at the new stage, have not only strengthened the Ombudsman's activities within the framework of the NPM mandate but are also in line with international norms and principles.

During the meeting, a number of questions raised by the Committee members were addressed, and discussions were held.

In accordance with the Memorandum of Understanding signed between the Human Rights and Equality Institution of Türkiye (HREİT) and the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, efforts have been continued to expand bilateral cooperation and to effectively organize the exchange of experience in the field of the protection of human rights and freedoms.

With the aim of exchanging experience gained in the field of National Preventive Mechanism (NPM) activities and further developing cooperation, a delegation led by the President of the Human Rights and Equality Institution of Türkiye (HREİT), Muharrem Kılıç, paid a visit to Azerbaijan at the invitation of Ombudsman Sabina Aliyeva.

The NPG Members conducted a joint monitoring visit to the Umbaki Penitentiary Complex of the Penitentiary Service of the Ministry of Justice during the visit, within the framework of the Ombudsman's NPM activities. The TIHEK delegation inspected all units of the newly commissioned facility and became closely acquainted with the overall conditions created there, as well as with the situation regarding the protection of the rights of detainees, including persons sentenced to life imprisonment.

Within the framework of the visit, the delegation was also provided with detailed information on the activities carried out by the Ombudsman of Azerbaijan in the NPM capacity.

Within the framework of the visit, members of the National Preventive Group, together with the TIHEK delegation, conducted a monitoring visit to the temporary detention facility of the Garadagh District Police Department of the Ministry of Internal Affairs.

During the visit, a meeting was first held with the management of the facility, during which information was provided on national practices and the institution itself.

Subsequently, inspections were carried out of the facility's cells, medical room, exercise yard, kitchen, and other areas.

Individuals held in the facility were received in a confidential manner, their complaints were heard, and the relevant documentation was reviewed.

CHAPTER 6

RECOMMENDATIONS AND SUGGESTIONS

The analysis of the outcomes of the Ombudsman's NPM activities shows that they were implemented effectively. This is primarily reflected in the logical outcome of the legal reforms implemented in the country, as well as in the scope and effectiveness of the activities conducted within the NPM mandate, including preventive visits and legal awareness-raising initiatives.

As a result of the numerous proposals and recommendations put forward and implemented during the course of the activities, the attitude of state authorities towards the essence and protection of human rights has evolved positively, a renewed legal mindset has been formed, and steps have been taken to improve governance.

In this regard, the Ombudsman structures her activities in accordance with the Paris Principles as follows:

- promotes the harmonization of national legislation and practice with international human rights instruments to which the State is a party, as well as their effective implementation;

- promotes the State's accession to international instruments, the incorporation of international norms into national legislation, and the implementation of relevant measures;

- assists in the preparation of reports to be submitted by the State to UN bodies and regional institutions regarding the implementation of international conventions, expresses its opinion on these reports in accordance with the principle of independence, and submits its own supplementary reports.

Based on the results of the activities carried out by the Ombudsman in 2024 in the capacity of the National Preventive Mechanism, and taking into account that the recommendations made in previous periods remain relevant, the following proposals are put forward with a view to ensuring the effective protection of the rights of persons deprived of liberty:

(1). To amend the legislation to ensure that the State covers the cost of intercity telephone calls for convicted persons serving sentences in locations different from their family members, recognizing the essential role of maintaining contact with the outside world;

(2). To amend the Law of the Republic of Azerbaijan "On Ensuring the Rights and Freedoms of Persons Held in Places of Detention" by introducing relevant additions and changes to explicitly establish the right of detained or arrested persons to conduct video visits, in line with the procedures specified for convicted persons under the Code of Execution of Sentences.

(3). To amend Article 15.1.3 of the Law of the Republic of Azerbaijan "On Ensuring the Rights and Freedoms of Persons Held in Places of Detention" by introducing the right of persons who are illiterate to receive information about their rights in an oral form;

(4). To establish a regional administrative detention facility outside Baku for persons under administrative arrest, in order to reduce overcrowding in temporary detention places located in district police departments under the authority of the Ministry of Internal Affairs of the Republic of Azerbaijan;

(5). To temporarily reduce overcrowding in temporary detention places located in district police departments under the authority of the Ministry of Internal Affairs of the

Republic of Azerbaijan by transferring detainees to temporary detention establishments in surrounding districts;

(6). To ensure that the establishment of outdoor exercise yards in temporary detention places takes into account international standards, and that existing facilities are brought into compliance with those standards;

(7). To ensure the proper implementation of international standards and national legislation regarding the separation of different categories of persons in temporary detention facilities;

(8). To ensure the effective exercise of the right to telephone communication, as one of the fundamental safeguards for detainees, by installing telephone booths in all temporary detention places, repairing non-functioning telephone equipment, and strengthening oversight of the comprehensive registration of telephone calls;

(9). To improve the maintenance of relevant registration logs and documentation in police offices, departments, units, and temporary detention places; to eliminate existing deficiencies; and to strengthen oversight of documentation practices and the procedures from the moment of apprehension;

(10). To continue efforts aimed at improving detention conditions in temporary detention places;

(11). To review the "List of diseases constituting grounds for exemption of convicted persons from serving a sentence due to illness," approved by the Ministry of Health of the Republic of Azerbaijan, so as to ensure that it considers situations in which a prisoner's state of health is incompatible with the continued detention;

(12). To take the necessary measures to ensure more effective protection of the right to health of detainees and prisoners by introducing electronic medical record-keeping and ensuring the closer integration of healthcare services with social services within detention facilities;

(13). To amend Article 511.2 of the Criminal Procedure Code of the Republic of Azerbaijan so as to ensure that requests for exemption of convicts from serving a sentence on health grounds may be considered, inter alia, upon a submission by the Ombudsman;

(14). To amend Article 513.1 of the Criminal Procedure Code of the Republic of Azerbaijan so as to ensure that issues related to conditional early release from serving a sentence and the substitution of the unserved part of a sentence with a more lenient penalty may also be considered on the basis of a motion by the Ombudsman;

(15). To intensify efforts to address the persistent problem of overcrowding in pre-trial detention places and penitentiary institutions under the Penitentiary Service;

(16). To mitigate the adverse impact of overcrowding on access to healthcare in penitentiary institutions, in particular in pre-trial detention places, by ensuring that the allocation of medical staff, medicines, and other medical supplies is based on the actual number of persons detained rather than the official capacity of the establishments;

- (17). To expedite the construction of penitentiary institutions currently under development and to take the necessary measures to carry out repairs in facilities in need of renovation;
- (18). To accelerate the relocation of Pre-Trial Detention Places Nos. 2 and 3 of the Penitentiary Service to new premises, with a view to improving detention conditions;
- (19). To establish separate facilities for persons convicted of negligent offenses, on the basis of existing open (minimum-security) penitentiary institutions, taking into account relevant positive practices from other countries, and to provide in legislation that such persons serve their sentences in these facilities regardless of the length of the sentence imposed;
- (20). To enhance the rehabilitation process through the implementation of comprehensive measures aimed at reducing disciplinary violations by prisoners and facilitating their successful reintegration into society;
- (21). To apply less severe disciplinary measures (such as warnings or reprimands) for regime violations, rather than resorting to placement in disciplinary isolation, taking into account relevant international practice while making full use of the possibilities provided by national legislation within the framework of rehabilitation
- (22). To amend the relevant legislation so as to enhance the ability of convicted and accused persons to submit appeals, including by allowing them additional telephone calls to contact the Ombudsman;
- (23). To ensure that declarations of refusal of food are promptly registered by the management of penitentiary institutions, that daily medical supervision of persons on hunger strike is strengthened, and that a unified system of registration is established in this regard;
- (24). To ensure the provision of adequate and quality psychological support to persons held in penitentiary institutions whose mental health may be at risk in accordance with the Law of the Republic of Azerbaijan "On Psychological Assistance";
- (25). To develop mechanisms for engaging and employing retired medical doctors and other specialists in places where persons cannot leave at will, with a view to addressing staff shortages in such institutions;
- (26). To adopt a comprehensive program on the rehabilitation, personal development and social reintegration of persons serving sentences in penitentiary institutions, with a view to facilitating their successful adaptation to society upon release;
- (27). To develop a mechanism enabling juvenile detainees, as well as persons convicted of minor and less serious offenses, to participate in entrance examinations to higher education institutions;
- (28). To address staff shortages in psychiatric institutions in order to ensure the timely provision of therapeutic interventions to persons receiving treatment;

(29). To ensure that treatment in psychiatric institutions is not limited to pharmacotherapy, to organize psychosocial rehabilitation measures in line with contemporary standards, to support the involvement of patients in the development of their treatment plans, to establish dedicated occupational therapy and production units, and to ensure that an individualized treatment plan is drawn up for each patient, specifying treatment objectives, therapeutic methods, and the staff members responsible for the provision of care;

(30). To enhance the provision of psychological support in penitentiary institutions and to address the need for qualified professionals working with prisoners, to establish specialized training programs in "penitentiary psychology" within higher education institutions offering degrees in psychology;

(31). To organize effective training seminars in the field of speech and language therapy for relevant specialists working in special boarding schools for children with disabilities (limited health capacities) and to ensure their participation therein, with a view to strengthening their professional capacity;

(32). To eliminate the shortage of textbooks printed in Braille for children with special needs, to expedite the printing process, and to ensure their timely distribution to students concurrently with standard textbooks.

(33). To expand the network of narcological treatment facilities in light of overcrowding and the high number of persons awaiting treatment; to increase the number of narcologists and clinical psychologists; to establish new rehabilitation centers; and to introduce modern methods for the treatment and rehabilitation of individuals with substance use disorders;

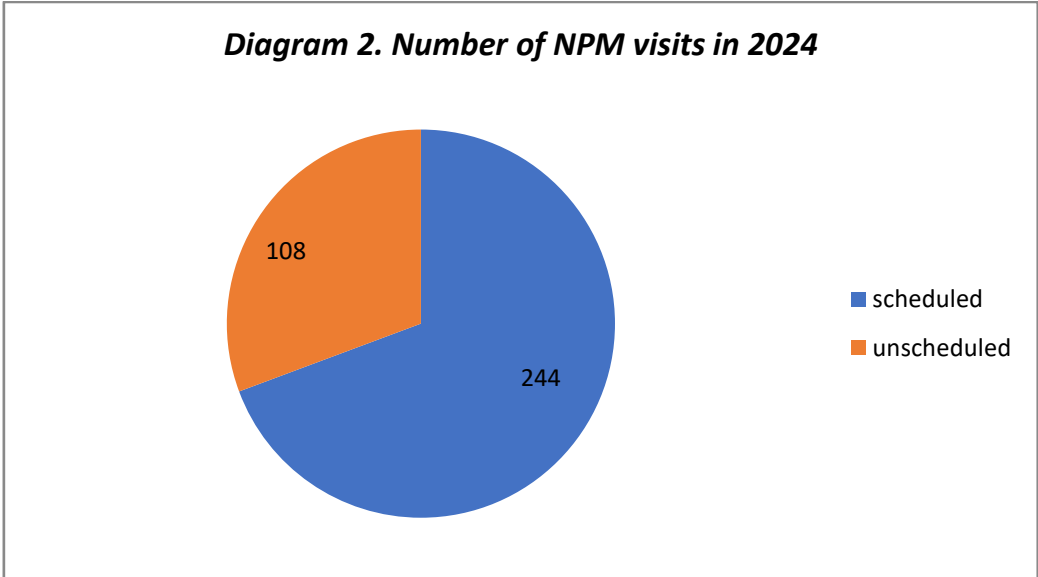
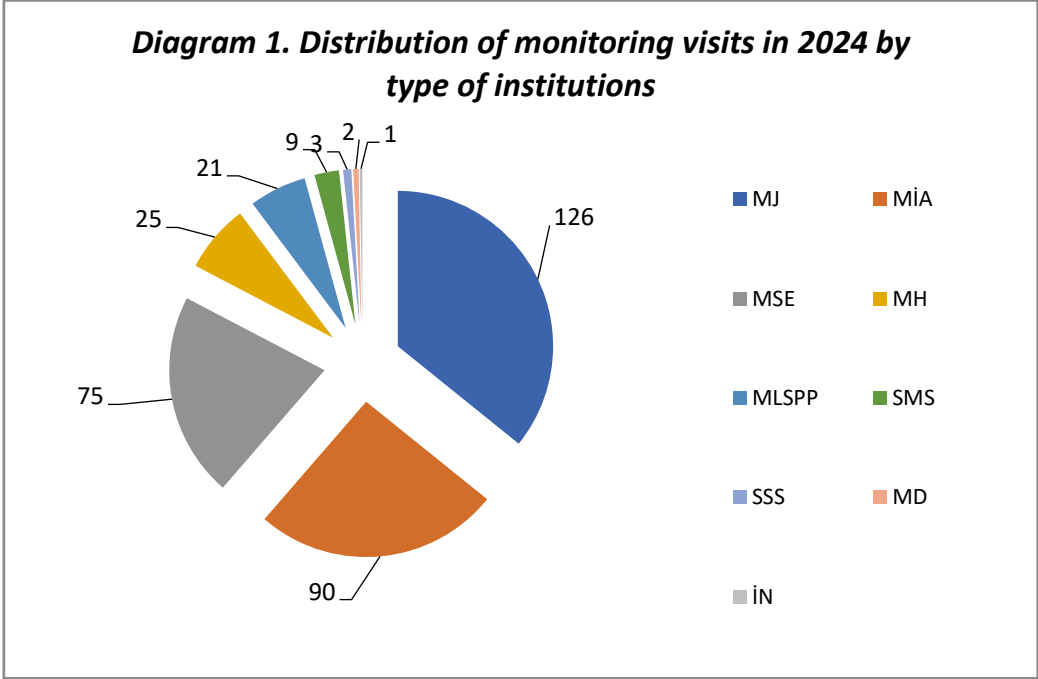
(34). To develop a mechanism for the transfer of patients who have completed their course of treatment in psychiatric hospitals and narcological dispensaries, but lack a place of residence to appropriate social care institutions and, in parallel, to increase the capacity (number of places) within such social service facilities;

(35). To implement comprehensive programs for the rehabilitation and social reintegration of persons released from penitentiary institutions and to further develop social support services in this field;

(36). To establish, on a broad scale across the country, social adaptation and rehabilitation facilities for individuals released from serving sentences in penitentiary institutions.

STATISTICAL INDICATORS

Annex 1



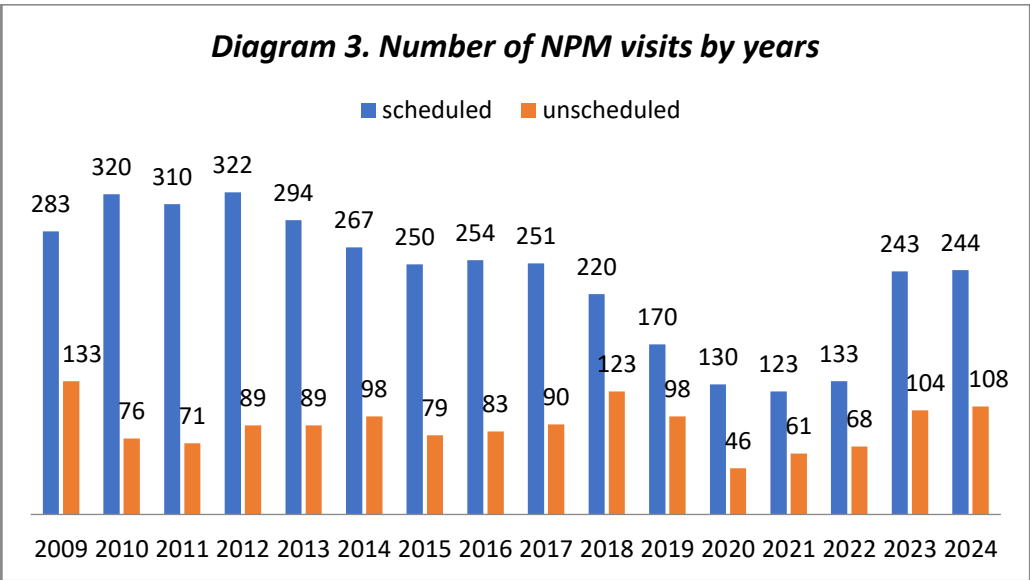
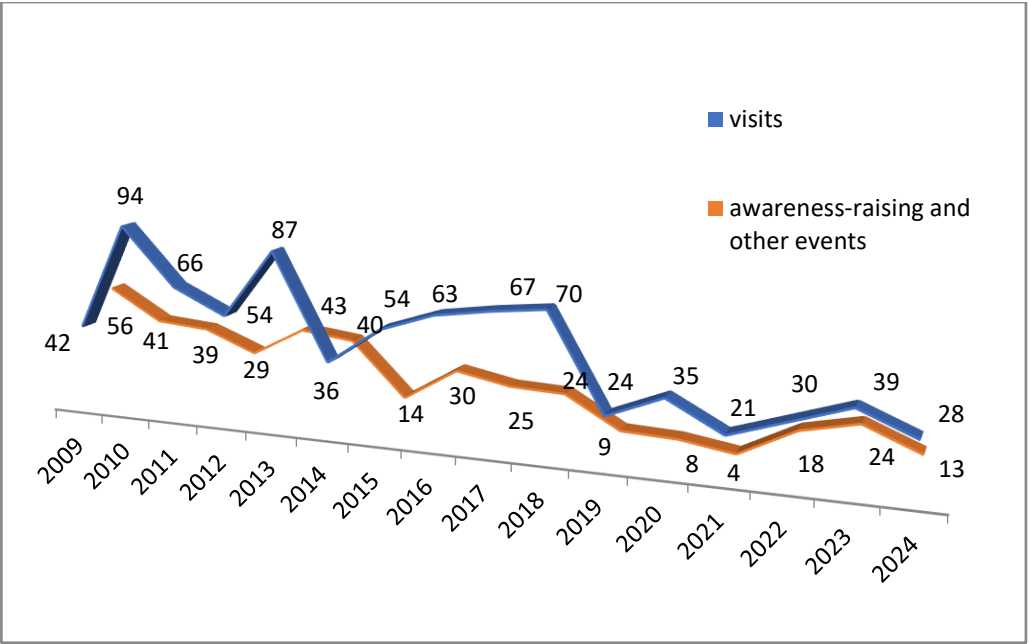


Diagram 4. Number of NPM press releases (by years)



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

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:

General principles

PART I

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.

Subcommittee on Prevention

PART II

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.