

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

**PROVISION AND PROTECTION OF HUMAN
RIGHTS AND FREEDOMS IN AZERBAIJAN**

**SUMMARY OF THE ANNUAL REPORT OF THE
COMMISSIONER FOR HUMAN RIGHTS (OMBUDSMAN)
OF THE REPUBLIC OF AZERBAIJAN FOR 2006**

Baku -2007

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Foreword

The key objective of the report is to assess situation regarding human and civil rights provision in the country, analysis of the main issues related to the human rights protection in 2006, restoration of the violated rights, protection of human rights and prevention of the violation, moreover, activities carried out by the Commissioner on the investigation of the situation with provision of human and civil rights and freedoms and measures that have been taken as well as cooperation of the state bodies and officials with the Commissioner. The report is based on the appeals, proposals and complaints as well as on the visits of the Commissioner and staff members to penitentiaries, pre-trial detention centers, temporary places of detention, military units, child homes, boarding schools, camps and settlements where refugees and IDPs are settled, and visits to the educational, healthcare and social security establishments, at the same time, on the cases exposed in the meetings with inhabitants, and on investigations that were carried out, and on state bodies and officials response and attitude, summarized analysis of the information reported in mass media.

Under the article 14 of the Constitutional Law on the Commissioner for Human rights (Ombudsman) of the Republic of Azerbaijan, this annual report was drawn up to present it to the President of the Republic of Azerbaijan, to address Milli Mejlis and to the Cabinet of Ministers of the Republic of Azerbaijan, Constitutional Court, Supreme Court and Attorney-General.

Elmira Suleymanova

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

INTRODUCTION

The Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan is about to complete the fifth year of her term of Office.

During this period of time, with a view of the effective protection of human rights and freedoms, the Commissioner directed activity against procrastination and bureaucratic hurdles, unfair implementation of the requirements by some officials and disrespect for the supremacy of laws, to the outdated administrative methods, indifference and negligence, and arbitrariness of officials of local executive authorities, corruption and bribery.

Despite the fact that the powers and functions of the Commissioner are limited according to the Constitutional Law, during this period she made significant breakthroughs.

The Ombudsman, who does not restrict and substitute the competence of other governmental bodies, ensuring the protection and restoration of the violated human rights and freedoms, based the activities on the principles of publicity, transparency, justice and impartiality and in many cases achieved restoration of the violated rights.

During this period, appropriate measures have been taken concerning the human rights violation, applied to the relevant bodies, proposals submitted, and statements made, and have been explained the rights and freedoms, duties as well as their boundaries to the people involved in dispute or provoked it, proposals have been presented and measures have been taken.

The Commissioner established close cooperation both with the state bodies and civil society institutions, including non-governmental organizations, mass media, international institutions and foreign colloquies, had regular meetings with the population and received their complaints, and by making her comments and recommendations, her immediate intervention, drawing the attention of the local state bodies to the restoration of the violated rights, thus served to their protection, and ultimately served to the strengthening of the statehood.

One of the effective directions of the Commissioner's activity consists of the organization of a series of meetings and acceptance of complaints.

Applicants submitted their complaints in different ways, including by post and e-mail, by lodging application to the reception of the Commissioner's Office, appeals submitted at the ombudsperson's regional centers, by "Rapid Response Group", "hotline" as well as complaints were addressed by persons during the visits of the Office staff to the penitentiary

institutions, pre-trial detention centers, temporary places of detention, military units, child homes, boarding schools, camps and settlements of the refugees and internally displaced persons, as well as educational, health care and populations' social security facilities. The Ombudsman has received a total of 25.760 appeals throughout her activities, including 7.500 in 2006. 94.7% of the appeals addressed to the Ombudsman were complaints and 5.3 % were applications.

38.3% of them were about the violation of the civil and political rights and 61.7% on the violation of economic, social and cultural rights.

In accordance with the Constitutional Law, the Commissioner refused to pursue 53.1% of the complaints in the following cases: the complaints were beyond the competence of the Commissioner, passing one year limit from the date of violation of the applicant's right, being anonymous, being under court proceedings and re-submitted petition that does not contain any new information, facts or evidence.

46.9 % of the complaints were accepted for examination, 38% (20.2 % was fully and 17.8 % partially ensured) of them was ensured.

More than 6,000 legal advices were given to the applicants on their complaints.

It should be noted that the Commissioner expressed her opinion and gave recommendations on the implementation of the state programs, being realized in the country, as well as on their monitoring in which she participated, gave assessment in terms of the protection human rights and freedoms, submitted proposals on the drafting a number of projects.

The Commissioner, who is presenting her 4th Annual report on the protection and restoration of human rights and freedoms, addressed various information on the violation and effective protection of the human rights and freedoms, including proposals and recommendations on the improvement of the legislation, to the President of the Republic of Azerbaijan, Milli Mejlis, Constitutional Court, Cabinet of Ministers, ministries and committees, other executive institutions.

Chapter One

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

1.1 Protection of civil and political rights

The right of free movement and to choose a place of residence within the borders of the State and the right to leave for any country and to return to his own country is a significant part of personal self-determination that stipulates a man as a free individual, his professional and moral development, his honor and dignity.

On the eve of the Parliamentary Election on November 6, 2005, and Parliamentary by-election on May 13, 2006, as well as on the eve of the new, additional and the first municipal elections a number of measures were taken by the relevant divisions of the Ministry of Internal Affairs in the provision of ID cards. Regarding the resolution of the problem the Commissioner held monitoring, provided recommendations and cooperated with police.

However, analyzing the complaints filed to the Commissioner, as well as observations show that definite part of the citizens still have not been provided with ID cards and face obstacles regarding this issue. And this is the reason of poor legal enlightenment process that carried out for the population, as well as irresponsible attitude to the problem of the officials of the Ministry of Internal Affairs who are dealing with the issuing of the ID cards.

In view of the amendments to the Law putting into effect "On the legal status of the foreign citizens in the Russian Federation" in January 15, 2007 the problems that were faced by our compatriots who temporally live in the Russian Federation, the Commissioner met and held discussions with V. Lukin, the Commissioner for Human Rights of the Russian Federation (RF), chiefs of the Central Board of Internal Affairs of Moscow City and a chief of Federal Migration Service of Russia, a chief of the department of the Ministry of Foreign Affairs and with other officials. The proposals have been made on rendering our citizens assistance in the legalization, liberalization of the migration procedures and relevant legislative acts, giving illegal immigrants extra time for legalization their status, taking into consideration private and family status by individual approach, and to organize a suitable condition for getting legalization in conformity with law, prior to notifying before their deportation in accordance with administrative orders or to reduce the set time of five years restriction to return, taking into consideration inadmissibility of acts of violence against migrants, measures of enlightenment have been suggested to implement for prevention of

such cases. The Commissioner addressed the federal Ombudsman of the Russian Federation regarding this issue as well.

The Amendments with regards to migrants status that entered into force in NIS and particularly in RF or in any country where the citizens of Azerbaijan, that reached the age of 18 years, are living temporarily, do not necessarily give them a right (to enjoy to get) a passport or to change the old one, to add information about the newly born ones (surname, name, sex and date of birth) in order to be registered in accordance with the law.

The Commissioner met with our compatriots taking into consideration their complaints; suggested appropriate measures to be taken. Azerbaijanis who are settled in Russia temporarily and their families have encountered with a problem of getting passport. Had the preventive measures been taken by Internal Affairs bodies in appropriate time most of the problems would have been prevented. Such kinds of problems do also exist in Ukraine and Uzbekistan and they are to be solved.

The right of protection of honor and dignity of a man is of great importance in the Human Rights

Recommendations, presented by the International Organizations to the Republic of Azerbaijan to take up measures in order to prevent tortures and other inhuman acts humiliating person's honor and dignity, have been implemented.

As in some regional police stations there were cases of abuse of power, even the cases of death have been recorded, by the police Offices with regard to detainees and suspects.

After investigating the all above mentioned cases the Commissioner appealed to the Prosecutor General, to the Ministry of Internal Affairs, which resulted in punishment of the officers; some were involved to criminal proceedings, and others were involved to disciplinary order.

The commissioner had met and talked with the mother and brother of the late man by name N.Z. Mammadov, who has been detained with the charge of robbery and died in the temporary places of detention and with the officers of relevant departments of the police department of Khizi district.

The officers could not give reasonable evidence regarding the death of the detainee. Initially they explained that it was heart attack, but later insisted that it was due to his committing suicide.

The Commissioner addressed to the Prosecutor General and to the Ministry of Internal Affairs concerning the filed information, and suggested them to take the case under control in order

to investigate the criminal case objectively, wholly, and fairly, and to take strict measures against the accused if the fact of torture would be proved.

After Ombudsman's investigation police sergeant Z. Hetemov and V. Mamedov had been dismissed and other responsible officials were involved to disciplinary account, and head of the police department of Khizi district E. Usubov was "strictly noticed" taking into account that he holds the Office very recently.

The fact of death of the second group disabled Alishov Rasim, Cafar's son in July 24, 2006 in Mingachevir Police Department has been investigated by the commissioner's staff representatives on the spot. The investigation sheds light that the deceased was called as a witness to the criminal act that began with the article 177.1 of the Criminal Court. But he ignored the orders of police and therefore he was taken to the police station by force and handed in to the Criminal Investigation Department. The fact shows that he was not taken to temporary place of detention, but rather to the Office of head of the Criminal Investigation Department of Ilgar Abbasov. He died there and afterwards was taken to the city morgue. The city prosecutor Office reported that Alishov had died on July 25, 2006 in the Office of Ilgar Abbasov and this is why a criminal proceeding is underway. It is noted that during the examination numerous acts of violence have been determined on the corpse.

Taking into account the aforementioned the Commissioner addressed the Prosecutor General and the Minister of Internal Affairs. Eventually head of the Criminal Investigation Department, police mayor Ilgar Abbasov, police capitan Elchin Musayev, and police Ramiz Muzgurov have been involved to criminal proceeding and taken into the custody.

In the connection with the fact of death in the temporary place of detention of Lenkoran region the Officer of that penitentiary was fired from the service of internal affairs and involved in responsibility.

According to the paragraph 109 of "Regulation on the service in the internal affairs of Azerbaijan Republic", the officials of Internal Affairs bear responsibility for the state of official discipline for the person under their responsibility; also they, manifesting high exactingness of the colleagues, must educate a feeling of deep responsibility to the performance, not to allow the work of trusteeship owing to the personal relations with the personnel. Therefore in such cases serious responsibility must bear not only police officers, which directly completed act, but also the chiefs of police stations.

The punishment of those who are guilty in such acts would prevent similar actions in future. Therefore the sentence of court about the payment of penalty in amount of 16.500 manat by the former colleague of police of Ganja Keroglu Gasymov discharged from the organs of the internal affairs for his humiliating acts towards the citizens causes enormous regret.

It should be noted that some detainees in the Gobustan Strict Regime Prison in their reports to the Commissioner, and also to a number of international organizations, that they underwent illegal behavior and torture, deprived of the first aid at night, did not receive the products brought for them. In the answer, given by the penitentiary service of the Ministry of Justice for the application of the Commissioner, regarding these questions, she was informed that the mentioned cases were examined and they did not find their confirmation.

In the time of conducting inspection for monitoring detention conditions, it was observed that the number of the detainees kept in the penalty cells at penitentiary № 5 exceeded and detainees with open tuberculosis were kept together with healthy ones. Some of the penitentiary officials reported that the detainees that suffer from mental and psychic illnesses, as well drug addiction, are placed together with the others, and that there are specific inconveniences with regard to their own reformation. The Commissioner requested the penitentiary service of the Ministry of Justice concerning the revealed shortcomings and violations and requested to take measures for their elimination. As a result the main medical department of the Ministry of Justice took the control over the medical and sanitary center at the penitentiary.

While conducting an inspection by the staff members of the Ombudsman's Office in the penitentiary № 8 there have been identified that the sleeping places of detainees, canteen, and medical-sanitary part were unsatisfactory, and the building of penal insulator was not appropriate for use.

By the way, the chief of the Gobustan Strict Regime Prison, Sadagat Agaev, chief of the penitentiary № 5, Abbasgulu Garaev, and the chief of penitentiary № 11, Imran Mamedov were fired last year.

Thus, as a result of the activity of the Commissioner, of the Public Committee and of the public union of "Observation of Penitentiaries" the cases of tortures in the penitentiary system were considerably reduced. The representatives of the Committee on Tortures and ICRC confirmed this fact as well.

The Commissioner considers that teaching impatience to the violence in each individual by implementing enlightenment with the involvement of community is an important factor in the fight against torture.

Regarding violence against journalists, independent investigations were carried out and necessary measures were taken. Thus, the Commissioner followed attentively the health status of Fikret Huseynli, the correspondent of the newspaper "Azadlyg", of Baheddin Heziyev, editor in chief of the newspaper "Bizim yol", who was placed in the hospital, and of Nicat Daglar (Huseynov), the colleague of the newspaper "Azadlyg", who was placed in the clinical center № 1, who undergone attack and violence and received injuries, and addressed the Prosecutor General and

the Minister of Internal Affairs to involve the guilty to the criminal proceeding and to carry out impartial investigation.

The Commissioner and the staff members of the Office carried out numerous inspections in the temporary insulators of district, urban, and local police stations. In connection with the violation of law, revealed with the conducted during the inspection encounters and the individual conversations with the delayed persons, and also with the acquaintance with the documents, which confirm the legality of their content in these places, were made addresses to the Minister of Internal Affairs in connection with the elimination of deficiencies and taking of the corresponding measures. The officers, who allowed the violation of law, were subsequently drawn to the disciplinary responsibility, and measures for the elimination of the revealed deficiencies were also taken.

On the basis of the information, which entered from different citizens into the group of immediate investigation in twenty-four hours “Hotline of the Office”, pressing measures in the direction of the guarantee of their rights and freedoms, and restoration of the violated rights were taken. Citizen N. (PR -849/215-06), after addressing “hotline” of the Group of Immediate Investigation, reported that he was stopped by the officers of the police station of Yasamal district, and asked to render him assistance. According to the decree of the Commissioner, the members of the group, immediately went to the place and noted that citizen named N. was taken to the police station no. 28 and was kept there. After the interference of the Commissioner the citizen was set free.

Freedom of expression and information are the major factors, which lie in the basis of the development of the rule of law state, civil society and democratic institutions. In December 2006, in the IV Congress of the journalists of Azerbaijan the enormous need for the media, the employees to the development of democracy and to the formation of civic society in our country, the truthful word, which reflects our genuine reality and impartial, objective, and balanced information, was expressed. It was also noted that the active participation of the representatives of the media, in that number of journalists, who write on the rights and freedoms, is of great importance.

That authorized, always observing after the protection of the freedom of thought and word, and also rights of journalists undertook the number of measures, and such negative cases as gross rotation and compulsive actions according to the relation to the journalists, they were not missed from the attention of that authorized person.

The Commissioner, regarding the television channel “ANS”, addressed the chairman of National Council for Television and Radio, and after taking into account the importance of the guarantee of freedom of expression, the creation good condition for the citizens, she stated that the

delivery of license to the channel “ANS” and to the radio station “ANS- ÇM” will serve to more effective guarantee of freedom of expression. After the address of public organizations and of the Commissioner to the President of the country the broadcasting of “ANS” channel was restored.

In the focus of the attention of the Commissioner was also a question about the arrest of Sakit Zahidov (Mirze Sakit), the correspondent of the newspaper “Azadlyg”. With the orders of the Commissioner, her representatives repeatedly met in the investigation insulator of № 1 of the Ministry of Justice, also in the penitentiary № 14, gave orders to the management of the insulator on checking health of Sakit Zahidov and on improvement in the conditions of cells.

For the purpose of acceleration of conducting investigation connected with Sakit Zahidov the Commissioner addressed the Prosecutor General of Azerbaijan Republic and the Minister of Internal Affairs. The Commissioner also addressed to the court, indicating Sakit Zahidov’s health and family status, with the request of unbiased investigation of the criminal case.

With the orders of the Commissioner the staff members of the Office met with G. Zahid, the editor in chief of the newspaper “Azadlyg” and with other journalists, who joined the hunger strike. They were offered doctors and medical aid, and recommended to stop the hunger strike.

The Commissioner addressed the head of the State Committee on the Management of State Property to maintain the newspaper with proper place, and the local Economic Court no. 1 to resolve the issue impartially. Concerning the situation of editors in chief she discussed the problem with appropriate state bodies and with the head of the Council of Media, provided them with her suggestions and addressed the Minister of Health to examine those who were on hunger strike and requested to take their health under control.

At the same time with the orders of the Commissioner the staff members of the Office met with Rafig Tagi and with Samir Huseynov, the editor of the newspaper “Sanat”, who were kept in the investigation insulator № 1 of the Ministry of Justice and conducted with them individual conversations, and checked their conditions.

They reported that they were granted a lawyer and there was created necessary condition for providing R. Tagi with safety. R. Tagi has stated that the decision of imprisonment was biased and addressed the Commissioner for the purpose of conducting impartial investigation. The Commissioner addressed the Prosecutor General of Azerbaijan Republic regarding the acceleration and implementation of the biased investigation.

Position in the sphere of the guarantee of freedom of conscience and religion was always in the center of the attention of the Commissioner.

It should be noted that complaints about the obstruction to the independent determination of relation to the religion, to the religious ceremonies, to the study of religion, and also about the violation of the right of expression and propagation of the faith, have not been recorded.

The Commissioner regularly met with the local communities and with the representatives of religious communities and minorities, and she was deeply interested in the situation on the maintenance of freedom of conscience in different regions of the country and these activities are under way.

By emphasizing the national and religious tolerance as a characteristic feature and most important achievement of Azerbaijan society, the Commissioner initiated the creation of the council “Culture of peace by means of the religion”.

Meetings and Demonstrations were not recorded within the last period. Some members of the party of the People Front of Azerbaijan, who participated in the unpermitted demonstration, were taken into custody for different time period on administrative order by the decisions of Sabail District Court.

The staff members of the Ombudsman inspected the penitentiary in order to examine the situation of the detainees in the temporary place of detention of the Central Police Department of Baku.

In Connection of death case happened in DPS of Lankaran, the employee of that penitentiary was dismissed from internal affairs system and called to account.

Under article 109 of the “Regulations on Passing Military Service in AR Internal Ministry troops of high ranking officials are committed to bear responsibility, high exigency, with regard to their subordinates as well as inadmissibility of exceeding of power and patronage the kinship.

Impunity for committing crimes is inadmissible. Just from this point of view Koroghlu Gasimov, was dismissed from the staff of internal affairs for mistreatment of citizen's and the exp of Ganja Police Station was find in 16.500 manats amount.

It should be noted that appeals, addressed both to the Commissioner and to the other international organizations by some of Gobustan jail prisoners divulge the fact of prisoners being subjected to tortures by penitentiary personal and being deprived of food package delivered. A complaint was addressed to the Ministry of Justice and neither investigations nor respond was revised.

While viewing the penitentiary №5 was objective of getting acquainted with detention condition of the prisoners, the following appalling fact was revealed. The number of the prisoners in one cell exceeded the standard and convicted with tuberculosis are kept together with healthy prisoners. There still a great concern with regard to keeping mentally disabled

and other infections diseased together with drug addicts, which may lead to unpredictable consequences. Applying to the Penitentiary Service of the Ministry of Justice for the mentioned shortcomings and faults the commissioner asked measures for investigating should be taken in view of shot comings discovered in the above-mentioned penitentiary. As a result medical and sanitary unit of that penitentiary was taken under the Medical Department of the Ministry of Justice.

While visiting penitentiary №8 it was defined that, conditions of beds, canteen, and medico sanitary unit of the prisoners were not satisfactory, including the building of the penitentiary which was unfit for exploitation.

By the way, last year Sedaget Aghayev, the chief of Gobustan Strict Regime Prison, Abbasgulu Garayev, the chief of the penitentiary №5 and Imran Mammadov, the chief of the penitentiary № 11 were dismissed.

As well as, as a result of activity of the Commissioner, Public Committee and Public Union of “Observation over the places of limited freedom” torture cases in penitentiary system decreased considerably. But it was confirmed by the Committee on Tortures, as well as by the representatives of ICRC.

The commissioner believes enlightenment of every individual of the society to be impatient to violence by is very significant factor.

Independent inquiries were held with regard to violence cases against some journalists in view of the fact necessary measures have been taken in various time. So, the Commissioner focused attention state of Fikret Huseynli, correspondent of “Azadlyg” newspaper, Baheddin Heziyev, placed in First Aid Hospital, editor-in-chief of “Bizim yol” newspaper and Nijat Daghlar (Huseynov), placed in clinic center №1, contributor of “Azadlyg” newspaper, undergoing attack and violence as well as being damaged by unknown persons at different times, applied to the Prosecutor General and to the Minister of Internal affairs of Azerbaijan Republic for calling to account the culprits.

There were a number of observations over the places of temporary detention regional and municipal police administrations, departments and stations at different times by the Commissioner and Ombudsman personal. During meetings and private conversations it was discovered the persons of shortcoming was respect to violation of law and appropriate measure have been taken to cape with them.

The “hotline” is operating within 24 hours got a number of appeals from citizens complaining on violations of their right of freedom. Prompt Investigations Group members analyzed the issues and the necessary measures have been taken.

Freedom of thought as well as freedom of media is the basic factor of the legal state and civil society. It was brought to the focus of attention by virtue of great demand to true word, impartial, objective, balanced information reflecting our realities, writings serving to the establishment of civil society, development of democracy in our state, significance of active participation of the journalists holding inquiry, covering the political and freedom rights was noted in IV congress of Azerbaijani journalists held in December of 2006 year.

Paying attention to the issue related to “ANS” television and applying to the chairman of the National Radio and Television Council stressed that considering importance of freedom of speech, pluralism of opinion, creating conditions for citizens to use mass media substantially, issuing license to “ANS” channel and “ANS” radio station will serve to maintain freedom of opinion and word more effectively. After the appeal of the intellectuals, public organizations, as well of the Commissioner to the President of the Azerbaijan Republic “ANS” channel broadcasting was restored.

The correspondent of “Azadlyg” newspaper Sakit Zahidov (Mirze Sakit) being under arrest was also on the focus of attention of the Commissioner. At the Commissioner's instruction the Ombudsman representatives met with S.Zahidov in penitentiary №1 of the Ministry of Justice, as well as penitentiary №14, cared for his condition, provided the delivery of newspaper to his cell and also set instructions on S. Zahidov's and improvement of his detention condition.

The Commissioner applied to the Prosecutor General and minister of Internal Affairs of Azerbaijan Republic with respect to reinvestigation on offence committed to S. Zahidov and taking him under private control, of S. Zahidov's health and family status, also applied to the court to hear his criminal case, being under execution of Appeal Court, objectively, in detail and judge a just verdict.

In the instruction of the Commissioner and her stuff members met G. Zahid, editor-in-chief of “Azadlyg” newspaper and other journalists joined hunger strike, concerned their health and condition, offered medical care and recommended to stop the hunger action.

Provision of freedom of conscience, religious faith and conviction has always been on the focus of attention of the Commissioner.

It is necessary to note that, the Commissioner didn't get any complaints on violation of rights on defining attitude to religion independently, participation in praying and performance of religious ceremonies and rites, any obstacle in studying religion, as well as religious opinion expression.

The Commissioner, had contently meeting regularly local communities, as well as representatives of religious communities and nations of minority and was interested closely with freedom of conscience provision in different regions.

The Commissioner offered to establish Interrelations Council of “Peace culture through religion, National and religious tolerance characteristic feature used to be the most important success of Azerbaijani society including major religious confessions and organizations represented in the country.

There was no rally or strike in this period. However, some members of Azerbaijan Popular Front Party, participating in the pickets not agreed with the Baku City Executive Power on November 23, 2006 were arrested by administrative means under the same dated decisions of Sabail District Court with proper articles. Ombudsman's staff members visited Point of holding the Administratively Arrested of Baku city Head Police Administration for the purpose of checking their conditions.

The citizen I., who was detained and arrested administratively for 15 days, appealed to the Commissioner. Considering his appeal on slashing his arrest term as he was going to a wedding party, applying to the Court of Appeal the Commissioner asked for a mentioned case to be taken into account. As a result the Court of Appeal replaced the administrative arrest term with 7 days, and he was released.

The Commissioner considers that “Law on Freedom of Assembly” of the Azerbaijan Republic needs improving as well as its application mechanism. The formation of a workshop for further discussions to be held with Venice Commission, the law-enforcement branches expertise in the aspect of public rule protection during the meetings, marches and pickets will provide manifestation of the right of freedom of assembly.

The past election years are of great importance in the socio-political life of our country. On the eve of re-elections to the Milli Mejlis of the Azerbaijan Republic on May 13th, 2006 as well as reelection, by-election, new and the first municipality election in the Azerbaijan Republic held on November 6, 2006 a number of steps were taken by the Commissioner. The following points were kept under control and monitored. Acquaintance with the election campaign, and election propaganda provision of right to vote. The Commissioner held consulting and seminars with Central Election Commission, Ministry of Internal Affairs, local executive and municipal employees as well as Prosecution and Police officials in the constituencies and election points of Baku, Ganja, Zagatala, Gedebe, Tovuz, Aghdam regions.

At the same time, a range of consulting and seminars there were held a number of regional seminar-conferences related to municipal elections in the country in the Commissioner's initiative with the participation of Presidential Office of the Azerbaijan Republic, Central Election Commission, Ministry of Internal Affairs, Ministry of Justice and judges, local prosecution office and police representatives were initiated and held in the regional and district constituencies and election points of Shamakhy, Sabirabad, Jalilabad, Guba and Barda. The Commissioner distributed the memory booklets compiling a set of statutory legal acts ensuring right to election, right to vote, rights and obligations of the election observers and participation of mass-media representatives in the election process.

The Commissioner and staff members of the Office attended more than 170 election points and observed the process of election to Milli Mejlis including investigation isolator N 2 located in Ganja and 26 constituencies covering 160 election points.

In spite of a few shortcomings the election process proved to be efficient.

The election process was attended by a number of various International Institutions, political parties and voting was observed by the nominee and opposition representatives.

The results of the election were assessed positively. The Commissioner expects that the Election Legislation is due to be amended and following-up of the Venice-Commission recommendations are to be expedient.

Re-election to Milli Mejlis of Azerbaijan Republic was discussed at the meeting of the European Parliamentary Assembly Monitoring Committee in Budapest –the capital of Hungary, and its session held in Moscow outlined Leo-Platoyev's report where election were assessed positively.

During the past period the necessary measures were taken for provision of Right to appeal adequate with legislation standards.

The Azerbaijan Republic President deployed the actions of the high-ranking official with view to serious problems of the complainants received and not supported by them.

He recommended that shortcomings should be eliminated.

Violation of the rights to appeal not only in regional but also rural executive bodies caused a great concern, as the complaints of the citizens are not regarded and responded which caused discontent of the population.

By the way, the Heads of the executive bodies in the number of regions such Dashkasan, Neftchala, Barda, Hajigabul, Ismayilly, Astara, Kalbajar, Masalli and the city of Naftalan were dismissed from their positions and this measure gave a start to the problem resolution.

Most of the complaints addressed to the Commissioner gave ground to assert that there are still bureaucratic obstacles in the right of appeal manifestation. Consequently the Commissioner made a number of recommendations to the high-ranking officials with respect to their obligations, “The Local Computer Network for Citizen’s appeals” was set up at the General Prosecution Office, which speeds up the process of undelayed dating of documentary.

Any citizen can be promptly provided with data on his complaint or appeal. This innovation may be a valuable experience for state structures, other organizations and institutions.

The “hotline” is set up in the number of state structures as well as digital telephone service is an actual measure taken for appeal consideration.

Up to date mechanism procession of court system improvement directed to Human Rights protection has changed during the last years.

Under article 1.3 of the Constitutional Law Commissioner is not authorized with verifying of judges activity.

Article 1.6 says the Commissioner can interfere with the violation of human rights in case of procrastination, disappearance of documentary, and delay of court judgment execution.

In accordance with article 12.1 of the same Law the Commissioner should learn the fact concerning violation of rights and the high-officials reasoning on the complaint filed. And the relevant reasoning is to be filed within 10 days to the Commissioner.

The Constitutional Law cites that in accordance with article 12.2.2 – 12.2.5 the Commissioner is entitled to exercise rights to get the necessary information documentary and materials from state power and local municipal authorities including high-ranking officials within 10 days; second to be acquainted with criminal, civil and administrative enforced decisions, criminal case refusals; third – to get written reference from the high ranking officials; fourth – to give instructions to the relevant bodies.

Most of complaints addressed to the Commissioner inform on violation of rights with view to procrastination, loss of documents and delay of the documentary issue, non-observance of court procedure, and legislative acts.

It should be noted that totally 453 enquiries were filed only in 2006. Thirty eight enquiries were filed to Supreme Court, 93 to the court of Appeal, 133 to the court of the first instances; as well 189 – to the bodies implementing court decisions.

The Commissioner considers that diversified complaints filed to the court of various instances including the Supreme Court for hearing are legal and must be taken responded according to term cited by the Constitution.

The Commissioner filed nine enquiries to the Court. There was no respond from 2 to 5 month period. After appealing to the Supreme Court the Commissioner got the respond which said “to take under control the appeals and complaints concerning cases under the court execution violates the principle of independence of judges.”

The Commissioner deplored the violation of right to fair trial and appealed to the Constitution Court for articles 1.3 and 1.6 under Constitution Law to be commented.

Incompetent Judges indifferent to the citizens’ fate, pass sentences violating law compel the citizens to appeal to the European Court on Human Rights. Procrastination is the most serious one among the other shortcomings.

Related to it a number of complaints got from Baku, Ganja and Sheki cities were solved only after the interference of the Commissioner.

The Commissioner considers that one of the most important issues is to work out and implement a state program reflecting extensive development of court system in our country.

Each person is entitled to get a professional legal advice. Each person has a right to use a defender while being arrested by competent state bodies, being under arrest, and being accused in committing crime.

But attorneys’ services are not used properly in our country yet.

As a rule, persons held in temporary places of detention of the police bodies refuse attorney services provided by the state. It is indicated that this service is not appropriate and is of bad quality from the standard of human rights defense.

In some complaints addressed to the Commissioner it was stated that attorneys have taken much money from the citizens by abusing their trust and have not provided them with professional legal advice. Taking it into consideration, Board of Barristers of Azerbaijan Republic with other related bodies is to prepare necessary mechanisms for the purpose of preventing these cases; has to provide suitable condition for getting efficient and professional legal advice for citizens.

Therefore, appropriate fund from the state budget should be allocated for the advocates representing the party who is not able to pay for legal advice in civil cases.

Improvement of activity of law-defense bodies is closely connected with social-economic development of our country and with improvement of welfare of people.

Strengthening material-technical base of these bodies, choosing and placing new and professional personnel, improving social-welfare and service conditions of the employees, constructing new administrative buildings for courts, attorney's office, justice and police bodies, as well as constructing new penitentiaries and temporary places of detention, awarding those who distinguish in service are part of legal reforms that are being carried out.

Structure of the Prosecutor's Office is improved in the process of successive legal reforms. Admission to a job is held based on a test; content of personnel is getting renewed.

At the same time there were some complaints on the activities of the local prosecutor bodies. The analysis of these complaints shows that it should be taken measures to improve the situation and witnessed some deficiencies in the realization of control of the investigation and operational activity of the corresponding structures.

Thus, in result of the applies that were addressed by the Commissioner to the Prosecutor General and Baku city Prosecutor Office about some criminal cases that identified nonobjective criminal investigation under the article 39.1.2. of the Criminal Law, the resolutions about the cases that reject beginning of the criminal proceeding have been abolished.

The collaboration of the commissioner with the prosecutor bodies for the purpose of the protection of human rights and restoration of the disrupted rights constantly is developed. For the purpose of the improvement of this collaboration that authorized proposed taking joint measures, including the trainings have been approved.

In conducting of lawful reforms and building of democratic rule-of-law state significant role belongs **to the bodies of the justice**.

The improvement of judicial system and strengthening the institutes of civic community made a development of the system of justice necessary. Therefore special important measures have been taken for reformation and improvement, conducted according to the Decree of the President of the Republic of Azerbaijan "About the development of the justice system" on August 17, 2006- GO of year.

In the correspondence with those affirmed by the decree of the Minister of Justice on April 25, 2006 "The rules of the participation of society in the rehabilitation of those condemned and realization of public control of the activity of the penitentiaries", that already began its activity by the public committee, created by Election Commission, which consists of the representatives of non-government and religious organizations, human rights activists, public workers, where also division head of the Ombudsman Office and other authorized bodies.

In many complaints relates to the violation and dissatisfaction with the state registration of the acts on citizenship and the activity of notary's offices. In the connection with this, complaints were received from Sheki, Khachmaz, Guba regions.

One of the components of the right to the valid judicial trial is the implementation of the court decisions; therefore the unjustified delay, bureaucracy, creation of inconveniences to citizens, the assumption of unlawful actions and errors, adversely affecting the effectiveness of justice. They also disrupt the right of citizens for the judicial securing of the rights established by constitution and freedoms.

From the complaints it becomes clear that even if one part of these solutions was not completed by objective reasons, another remained unexecuted because of the irresponsible, nonprofessional attitude of court executors toward the fulfillment of their responsibilities and disdainful and careless attitude to the citizens. Together with the fact, as a result of activity of the Commissioner that have been addressed to the authorized bodies, the disrupted rights of many citizens have been restored. Most of the complaints were received from Yasamal, Narimanov and Khatai districts of the city of Baku, and also from the Masalli, Khachmaz, Sheki, Guba and Gedabey regions.

One should be noted that within proceeding period many court executors were involved to the serious disciplinary responsibility for the unsatisfactory realization of their official responsibilities, and a number of them were discharged from the bodies of justices.

Last year **the police bodies** conducted the commendable work on the determination of the rule of law, stability and public order.

The activity of the organs of internal affairs have been improved in the realization of control for the criminal situation, the protection of order, solving of heavy and separately heavy, and also crimes that have been caused to wide public interest, detection and seizure of the definite persons for criminals, prevention of the illegal circulation of narcotics, fighting against its trade and in other directions, a number of important operational and investigation measure have also been realized.

At the same time, the analysis of complaints addressed to the Commissioner shows that still there are problems, connected with the cases of the abuse by the police officers against the citizens, as well as unlawful acts of using physical force by the police in respect to citizens. A significant quantity of complaints is connected with the violation of the human rights with prolonging the persons that have been detained as a suspect, suffered during the process of investigation, in preliminary investigation, capturing in operation realized by police Offices.

As it is indicated above, in connection with the cases that have been addressed to the Commissioner the applications have been directed to the Prosecutor General and to the Minister of Internal Affairs. Especially unacceptable are the cases of using the methods of physical violence and pressure for obtaining the grateful indications. The known cases of death, which occurred in the Mingchevir city police department, The facts that happened in Khyzy and Lenkoran district police departments, still once confirm this.

Together with this fact, illegal actions which caused the damage to the prestige of the police is the result of the actions that have been done by some police Offices, but this must not apply to thousands of people working in the police.

Regarding this facts the Commissioner proposed strict measures, including dismissing from the positions, and even involving criminal responsibility that who has been committed illegal actions even if there are key personal, damaged the honor of law-enforcement bodies.

According to information, for the reason for gross violation against the citizens, the unjustified detention, slaughter, the violation of the rights of drivers and others during the last year, 139 police Offices have been taken to administrative measures and a strict disciplinary punishment,

Thirty-five police offices were discharged from the Ministry of Internal Affairs, eight of them were fired from the holding position, two police offices were taken lower positions and, in respect to 88 police offices disciplinary measures were taken. Six officers were taken to criminal proceeding. In these cases the appeals of the Commissioner were also taken into consideration.

The measures were conducted and will be carried out for the purpose of the elimination of the reasons for offenses, reaching of the restoration of the disrupted rights, conducting of consultations for the improvement of collaboration with the police for the initiative of that authorized in the different regions of republic.

With the initiative of the Commissioner, different and appropriate measure s have been taken in various regions of the country and will be taken to eliminate the causes of violation of law, to achieve the restoration of violated rights, and to conduct the discussion with the police in order to improve the cooperation.

The analyzing of the complaints that failed to the Commissioner shows that in many cases investigators did not managed their responsibility properly, did not regard their works impartially and professionally, did not actually taken investigations in according that facts that complained about, intentionally ignored the material evidences that were significantly important for the cases and did not realized other important actions, which consequently caused dissatisfaction by the citizens. The ill-founded decisions taken in the failure of the discovery of criminal proceeding which were abolished after the interference of the Commissioner and the case have been returned to additional investigation; as well as the cases founded with criminal condemnation that have been sent to the Office of prosecutor on the bases of uncompleted preliminary investigation were returned to additional preliminary investigation without proving the condemnation. In the connection with the cases indicated they most of all drew the attention of the complaints. About the concerning facts applications have been received by the Yasamal, Nasiminov, Azizbekov, Khatai districts of the city of Baku, from Sumgaita city and Dzhallilabadskogo, Agdjabedi, Ugar, Masalli. Yardymli and Astara regions.

Despite the release from the position of the chief Calilabad district police department, causes disturbances the fact of application received by the local population about the activity of that police department. Taking these facts into account the Commissioner considers the inspection of that police department necessary.

In the process of investigation on the bases of the complaints have been realized the facts where the answers of the authoritative body were not correspondent to reality, insincere or formal to the demands and request, sent for the appropriate public bodies, as well as the cases of the pursuit of those, who gave complaints, or their coercion to failure of the written complaints by different means, for example, under the pretext of being in “unhealthy”, “angry” and “nervous” state. This, first of all, causes additional difficulties in a reasonable time and effective way restoring disrupted rights of those, who gave complaints.

For the purposes of improving work on the protection of rights and freedoms of a man by the police Offices and further continuation of collaboration will continue in the direction of the guarantee of transparency of these bodies, protection of the honorable title of policeman, the development of good attitude with the citizens, fighting against the criminals, reliable protection of order, law, rights and freedoms of a man.

In fighting corruption government agencies should work in dialogue and close cooperation with the general public, as well as non-governmental organizations and mass media.

Just in this sense, improving exchange of information and experience among nongovernmental organizations and establishing “Coalition on Combating Corruption” and “Information and Cooperation Network of Nongovernmental Organizations Fighting Corruption” with the participation of the Commission against Corruption under the Council of Managing State Service with a view of promoting the cooperation among the organizations working in this filed and government agencies are the important measures taken in this field.

The complaints addressed to the Commissioner involves information on unlawful acts and violations committed by some high-ranking officials, as well as expresses dissatisfaction with the activity of numerous government agencies in charge of ensuring the rule of law, legal regulations, citizen’s rights and legal interests.

Fighting this socially dangerous crime leading to violation of human rights and freedom is one of the priority functions of the Commissioner.

The cases of corruption assumes systematic character in such varied areas as registration of documents in registry Offices and acts in notary Offices, privatization of apartments, purchase and lease of lands, construction and reconstruction of buildings, unauthorized construction, references from housing and public utilities departments and representatives of local executive authorities for

administrative territorial units, identification of disability level at medical and social expert commissions. Violation of citizens' rights to social security and health committed by a person, working as a head of Tovuz District Medical and Social Expert Commission for 47 years and dismissed from the position only last year, can be shown as an example to this.

The practice shown that it is important to eliminate housing and public utilities departments, which didn't prove themselves as an economical body, or to give their responsibilities to municipalities, as well as to restore the activity of the "Commissions on minor's affairs and protection of their rights "and Medical and Social Expert Commissions. By the way, the Commissioner proposed the Ministry of Labor and Social Welfare of Population to discuss the problems related to medical and social expert commissions, and the proposal has been accepted.

At the same time, relying on the powers granted to her by the Constitutional Law, the Commissioner interceded with the high government agencies for investigating the allegations reflected in the complaints about officials committing corruption and if revealed, punishing them within the framework of law, as well as appealed to the Office of Prosecutor-General of the Azerbaijan Republic and other relevant governmental bodies, kept these problems under her constant control, and will continue the joint activity in this direction.

In order to fight trafficking in persons, especially women and children, the Commissioner sent the relevant governmental bodies a number of proposals on both improving the legislation in this field and taking separate measures.

According to official information, last year tens of persons fell victim to trafficking, and they are taken abroad especially by criminal networks and groups for slave labor and other purposes. Besides, victims of internal human trafficking are not few. Law-enforcement bodies revealed and neutralized several organized groups, as well as prisons at some places during the past period.

Department on Combating Human Trafficking at the Ministry of Internal Affairs takes important measures in this direction.

According to information given by the international organizations, human trafficking is committed by criminal groups operating in the country with view of forcing to prostitution in foreign countries and abusing slave labor.

The violence against women and children in its most different forms, including physical, psychological and moral violence, violate their rights and freedoms, besides being an obstacle in seeking equality, development and peace. Economical problems (unemployment and poverty), or family [problems aggravate the violence, women and girls became the main target as a part of

vulnerable groups of society. By the way, “Complex Program of the Azerbaijan Republic on Fighting Daily Violence in a Democratic Society ” has already been approved by a decree of the Cabinet of ministers.

The majority of the imprisoned women are the victims of domestic violence.

The Commissioner thinks that there is a grate need for establishing “hotline” and organizing trainings-courses with a view of preparing specialists for the shelters of human trafficking victims.

At the same time, the Commissioner suggested carting out wide public awareness-raising activities comprising risk groups and establishing public monitoring groups consisting of the representatives of the relevant governmental bodies and nongovernmental organizations.

The Commissioner again notes that she intends to improve her activity with the Migration Service and Department on Fighting Human Trafficking of the Ministry of Internal Affaires, State Border Service and other relevant governmental bodies in this field and work on coordination, with a view of raising the effectiveness of the fight against human trafficking.

1.2. Protection of economic, social and cultural rights

At present there are some conflicts in the field of labor relations in private sector, especially in medium and small enterprises.

In foreign companies labor contracts signed between the employer and employee, which legalize labor relations, violate the requirements of the Labor Code, consequently the employees are deprived of most rights provided for in that Code and become dependent on their employers. At these enterprises employees in trial period don't receive written notification in advance, in contradiction to the requirements of the Code.

As a rule, the employees are involved in extra work and the fee for it is either not paid, or paid partially.

The analysis of the complains shows that there still remains serious problems in the payment of the debts of former “Bayva –South Energy” and “Bayva –Western Energy” Ltd to their employees. As a result of the Commissioner's intervention with regard to this case, as well as to cases when the salary and the pay-off weren't paid by departments and organizations, the violated rights of the employees have been restored.

Everybody has the rights to work in safe and healthy conditions, but the level of protection of labor is still inadequate. A number of entrepreneurs, whose main purpose is to gain profit and who regard the duties imposed on them finished by this, don't pay adequate attention to compliance

with the rules of protection of labor. It is as a result of this that death and injury cases increased since the established requirements are not met in the wide-scope construction activities in Baku city.

In a number of cases after the Commissioner's invention, payment for the employment injury has been ensured.

As a result of implementation of the measures prescribed in the "State Programme on Social and Economic Development of Regions", 520 new work places have been opened, the level of poverty dropped from 49 percent to 20 percent within three years.

As the jobs offered by employment agencies are low-paid, or far from their living place, or incongruous with their profile, citizens can not benefit from these offers.

By the way, some officials fear that in case of increase of doles, people get used to inactivity, and this will pose an obstacle for the solution of the unemployment problem. However, it should be noted that the dole should be able to meet initial needs of the unemployed. Besides, elimination of unemployment is not only the intention to improve the material status of the people by ensuring their employment, at the same time the factor of satisfying their moral needs should be taken into consideration.

At the conference dedicated to the third Anniversary of the "State Program on Social and Economic Development of Regions", the country President stressed the importance of taking serious measures of program character to prevent the flow of the population to the cities, especially to Baku.

One of the main forms of people's social protection provided for by the constitution is social security. Improvement of the social security system as a result of the reforms in the social sphere was of great importance in the provision of pensions and regulation of the rules of payment of state social allowances.

Application of social insurance certificates occupies an important place among the measures taken in the field of pensions. One of the issues that demands special attention in this sphere is that proprietors, people that act as entrepreneurs without creating a legal entity should not remain outside this registration.

Since the Law of the Azerbaijan Republic "On State Addressed Social Support" came into effect on 1 January 2006, analysis of the complaints addressed to the Commissioner and the achieved results confirm that there are some gaps, indefinite demands and bureaucratic approaches in the implementation mechanism of the law. The numerous complaints coming from the rural districts on determining addressed social assistance attracts the attention. Although most complaints filed to the Commissioner in this context were not solved on the account of the difficulties in the law and its implementation mechanism, investigations into some of them yielded some results.

Taking necessary measures so that the situation in this field is normalized and great majority of low-paid families benefit from the addressed social allowances, as well as the need for reconsidering the legislation (also the list of documents required for granting the allowance), preparing social workers and increasing professionalism of the executives have been discussed with the Ministry of Labor and Social Welfare of Population, and some proposals have been sent to the Cabinet of Ministers.

The Commissioner, who always pays special attention to issues of social protection and social welfare of the population, assisted the citizens in solution of numerous appeals and complaints on the most different cases regarding this.

As the social and economic development accelerates the care for provision of the ecologically healthy environment increases.

Laying out new forest tracts, parks and vegetation are among such measures. Among prerequisites of the national prosperity are ensuring the ecological safety in the course of exploitation of natural resources; conducting long-term measures aimed at protecting and preserving the biological diversity, raising the biological resources in rivers and large water reservoirs, planting, protecting and strengthening control over the utilization of woodland belts and green plantations; taking into account the climate and local conditions when erecting multi-story buildings; and, finally, taking measures for ensuring health of the population.

Recognizing this, Ombudsman has carried out a number of measures and held discussions on the problems of concern in the field of ecology.

A round table was held at the Ombudsman Office to discuss "The state of protection of the right to healthy environment: problems and ways of solution" by initiative of Commissioner. The round table was attended by Minister of Ecology and Natural Resources, representatives of state organizations, non-governmental organizations and mass media. During the round table, Ombudsman advanced some proposals to improve the ecological situation.

The systematic acts of vandalism in Nagorno Karabakh and surrounding territories, currently occupied by Armenia caused irreparable damage to the nature of Azerbaijan.

The tragic aftermath of the Armenian aggression, resulted not only in occupation of 20% of Azerbaijani territory and million of refugees and internally displaced persons. The terror, genocide and aggression as Armenia's state policy brutally impair alongside historical, cultural and religious values of the Azerbaijani people also natural resources and ecology. Along with production and sale of narcotic drugs in the occupied Nagorno Karabakh territory, Armenians keep on polluting rivers and water basins of the region with poisonous effluents.

Ombudsman appealed to the international organizations demanding to put an end to the fires, long term aggression against animate and inanimate nature and give an adequate appraisal to Armenian policy and actions.

Protection of health - program of complex measures. Noteworthy is state's increased care for health of population, and steps towards solving public health problems. Thus, the number of medical establishments increases; clinics being overhauled and provided with the modern equipment. Besides, the authorities focus on improving social welfare of medical personnel.

An emphasis is laid on patients with chronic renal deficiency and needy in hemodialysis, as well as those suffering from thalassemia, tuberculosis, HIV AIDS and drug addicts.

Of great importance for medical treatment of renal deficiency patients is the establishment of five hemodialysis centers in Baku, identical centers in Nakhchivan, Ganja and Siyazan, carrying-out of hemodialysis at the expense of budgetary funds. It should be noted that the number of related petitions to Ombudsman has dropped as well. First cardiac operation at the newly open diagnostic center in Lankaran became possible due to the progress made in the social and economic development of regions.

Over this period, Ombudsman has taken measures directed to combating AIDS and drug addiction. In collaboration with the AIDS Control Center under the Ministry of Health, staff members carried on campaigns in Baku and some regions aimed at protecting rights of AIDS patients and enlightening the population.

Funds allocated to the Ministry of Health for these designated purposes served for further improvement of the situation. At the same time, it is still topical to render a specialized aid to citizens, secure their rights to treatment at stationary clinics, polyclinics and hospitals, as well as specialized medical establishments as an integral part of public health reforms.

It is noteworthy that stationary clinics and hospitals in many towns and primarily in the countryside, villages, and settlements, also specialized medical centers of some regions lack special prophylaxis, patronage and diagnostic equipment. At the same time, medical institutions in some regions of the country are being reconstructed; the provision of new medical establishments with necessary equipment greatly improves the situation in this sphere.

Meanwhile, the situation in the paid healthcare services in the country leaves much to be desired. When fixing rates of paid services, account has to be taken not only of economic status of the population but also of the opportunity for everyone to have an access to a medical aid, provision of rural medical institutions with physicians and medical personnel.

Interruptions in the treatment of tuberculosis that has a social character are detrimental to the disease and thus conducive to death-rate growth. Considering the tuberculosis treatment period, necessity of effective medical preparations and social security, it is essential to take urgent measures and apply new strategic principles of the World Health Organization titled as "Stop Tuberculosis!" for preventing further spreading of the disease.

Health conditions of diabetic patients are also of serious concern. While considering numerous complaints having been lodged to Ombudsman, it becomes apparent that some medical institutions are not performing their duties, thereby not complying with appropriate legal acts. They give way to red tape and disregard towards citizens, that results in their redundant suffering.

Improvement in both ambulatory and stationary systems of psychiatric aid is also essential. It is the lack of psychotherapeutics, psychologists, lawyers and social workers that causes numerous problems when integrating these patients into society. The lack of medical drugs, difficulties with food supply and low level of medical and household supplies in conditions of stationary treatment, have a great influence on health conditions of these patients. Also, a level of treatment in psychiatric stationary clinics depends on funding in this sphere. Lack of various psychotropic drugs, including modern preparations, a low level of specialized psychiatric aid, a purchase of medical drugs and other medicine by family members are factors also complicating the situation.

In many cases, physicians, looking at their patients as a source of extra-profits, force them to undergo unnecessary laboratory and diagnostic examinations and cure them using medical preparations supplied by certain pharmaceutical firms.

Despite great achievements in medicine, it is impossible to treat all the diseases. To solve the problem it is necessary to take measures aimed at preventing diseases, carrying on medical enlightenment work among population all over the country.

Education as a basis of society and state development.

Some reforms in education system have been carried out in the reviewed period. Thus, 204 new school buildings have been revised and overhauled; steps taken to improve school logistics and

provide them with modern information technology equipments. Regarding to the situation in the education, Ombudsman has had several meetings with schoolchildren, students, teachers at various educational institutions; applied to the Ministry of Education and appropriate state bodies pointing at shortcomings and giving proposals directed to improve teaching and educational system.

Teachers of the secondary school in the village of Yukhari Chardakhlar, Zaqatala region, as well as the habitants applied to Commissioner apprising that in spite of the fact that a building of the village school for 316 pupils had been over in 2003, it was unfit technically for normal teaching process because of poor conditions. To solve the issue, Ombudsman made an inquiry to the head of executive power of Zaqatala region, Ministry of Education, General Prosecutor, as well as Ministry of the Emergency Cases and other related organizations and suggested to remove current shortcomings and violations. At present, the school building has been re-overhauled.

To enhance effectiveness of reforms in the education system, it is essential to get rid of teaching personnel that practice corruption and bribery, unfamiliar with education problems and misusing their official position. Note that cases of bribed appointments to the post of a school director of persons, seeing it as a source of profit, results in lowering the quality of educational process at schools.

There were observed cases of extorting money from schoolchildren under various pretexts, specifically when resolving problems around final examinations. Teaching and educational shortcomings are detrimental to relations between teachers and pupils and have a negative impact on the education process as a whole.

A complainant from Shamakhi region, Karabakh war disabled, Mr.Z. applied to Ombudsman saying that he was not in a position to pay 20 AZN for final examinations, so his son had not been admitted to final examinations and failed to finish the secondary school № 1. In this regard, Mr.Z applied to the regional education department but without any success. While at Shamakha, Ombudsman met the complainant with the attendance of the head of the education department. The complainant apprised that the teacher even beat and insulted his son and also other children forcing them to work at her household. The head of the department reaffirmed that such kind of cases took place in reality, at the same time confessing that he was incapable of taking measures against this improper teacher. Following the appeal of Ombudsman to the Ministry of Education, principal of the school, his deputy and class master, as well as some other teachers were punished by the local education department by administrative means. The low level quality of education in many schools, lack of teachers in rural locality, insufficient level of knowledge and training of teachers on particular subjects are also of problems parents and pupils face.

Meanwhile, complainants from Jalilabad region reported on poor attendance at the school of Kurdlar village, violation of the rights of the teachers by the principal of the school, deplorable state of the building. Ombudsman visited this rural village, met with the principal and the teachers; witnessed the low quality of teaching and educational process, stressed the necessity of major repairs. She met with the head of regional authority of Jalilabad regarding this problem and presented her recommendations. Principal of the school A.Kurbanov was dismissed from his position. At the same time, the head of regional authority pointed out that the school would be overhauled this year.

Teachers specialized in one particular subject teach several other disciplines in the schools at villages, which has become a regular practice.

Exclusion of girls from the learning process, increase of early marriages, children born out of wedlock and other issues are of concern not only of state bodies but also society as a whole. Growth in number of divorces is a topical problem, since this leads to the rise in number of single mothers and children from uncompleted families. Ombudsman considers it necessary to conduct monitoring of mentioned cases, particularly in villages and settlements together with the Ministry of Education.

In the meantime, the public opinion of the country reposes their hopes on the Law on Education. Ombudsman thinks that submission of a final draft law to the discussion of specialists in education, teachers, parents and community as a whole, arrangement of round tables and exchange of opinions in mass media and publishing all the summarized views is crucial.

A low level of education compels senior pupils to apply to special teachers, so called repetitors. Some teachers are working practically only with 2-3 pupils while ignoring others. To solve the problem, it is essential to take urgent measures for removing shortcomings in the educational process and curricula.

It is crucial to improve curricula, simplify manuals and textbooks to comply with a level easy for child comprehension. With that end in view, the Ministry of Education should apply efforts on this track, ensure that manuals and textbooks are compiled by experienced specialists, proficient not only in an appropriate sphere but also in school, educational and pedagogic sphere, also teaching methods as a whole.

Another problem of secondary schools in Baku is the construction of high-story buildings on school plots, including sporting fields. Allotment of school plots of Baku to construction sites while causing reasonable discontent of population should also concern competent authorities, which have to take serious measures for ending this arbitrariness.

After a group of students of the “Independent Azerbaijan University” (IAU) made a request for restoration of their right to education, they and their parents have been received by Ombudsman. Furthermore, Ombudsman has several times met with the students on hunger strike, accepted their complaints and demands. The students told that the Ministry of Education had taken no measures to transfer them to other higher educational institutes and that they were pressured by the University leaders.

With a view of supervising students' health, Ombudsman applied to the Ministry of Health, also applied to Ministry of Education and discussed the issue with them for solving the problem.

Considering the social importance of the problem, Ombudsman applied to President of the Republic of Azerbaijan. Commissioner also applied to Binagady district court asking to avoid procrastination when considering the case on their right to education.

State promotes the construction of buildings, houses and takes special measures for realization of the right to housing

In her previous reports, Ombudsman suggested granting hypothec credits on easy terms for ensuring the population with dwelling and pointed out that this measure would give impetus to the resolution of housing issue. As a result of measures already taken in the sphere, there are ample opportunities for population to use hypothec credits. Thus, it is provided to grant preferential hypothec credits up to 35,000 AZN with 4% of annual interest and mercy period of 30 years. When credit is not preferential, its value is above 50,000 AZN with 8% of annual interest and mercy period of 25 years, while a previous figure stood at 12%.

Because the state does not undertake any housing and public construction and empty apartments are occupied by refugees, a great number of citizens are deprived of dwelling. On the other hand a great number of old buildings built in the last century are unacceptable for habitation.

One of the major housing problems is illegal constructions that were built in Baku and surrounding territories on land plots captured by individuals at different times. These constructions though illegal according to law, were built by informal agreement of heads of public utilities offices, local police departments, regional authorities of Baku and its regions, as well as municipalities.

However, these buildings are demolished arbitrarily, without any compensation and appropriate court decision for state interests.

Commissioner believes that houses, as well as other buildings built by informal agreement of competent authorities may be demolished only by court decision and provided that compensation complying with market prices is paid.

Following Commissioner's interference several housing problems of citizens have been solved.

The subject of particular concern is the allotment of lands, owned by citizens or exercising their right to property on houses or apartments located on these lands, to some companies for construction purposes and eviction of residents from those lands under various pretexts.

Along with measures aimed at improving housing conditions of internally displaced persons, there is a significant problem of returning the privately owned buildings, houses and apartments to their legitimate owners and thus restoration of their rights.

Ombudsman do think that in terms of increased prices for fuel, electricity and water services, it is especially important to implement social programs, using necessary material and financial resources of the country for removal of difficulties the population faces.

Owing to the rise in prices and under the well-known Presidential decrees, appropriate measures have been taken to stabilize economic status of the population, including rise in minimum monthly wages and basic pensions up to 50 AZN, increase in salaries of medical, educational, cultural, youth, sport, scientific and other employees by 25% on the average. The same do need those, working at the National Academy of Sciences institutions, Ministry of Emergency cases, mobilization facilities under the city (district) executive authorities, ecological and hydro-meteorological services, agriculture, fishery, land-reclamation fields. Also, the authorities have raised rates of social allowances as set forth in the legislation and have taken measures regarding indexation of insurance component of labor pensions.

It should be noted that numerous complaints have so far been addressed to Ombudsman regarding the gas supply of the population. The complaints related to the gas supply disconnections in the whole regions and districts due to nonpayment of gas charges by one individual; deductions from wages of citizens without a court judgment; refusal of housing and public utilities departments' to submit references or documents to residents who owe for gas. The similar facts were envisaged in the sphere of electricity and water supplies. As a result of the Ombudsman's interference, most of these problems have been solved appropriately.

Municipalities as local self-governance institutions have gained some experience over the 6 years of their existence.

On the initiative of Ombudsman and with the participation of the Presidential Office staff members, Central Election Commission and the Ministry of Justice, workshops titled "Role of Municipalities in the Democratization of Governance" have been held in various regions of the country.

It should be noted that the experience gained by municipalities didn't have a significant influence on the development of this institution.

Struggle in some municipalities (Narimanov, Binagady, Oghuz) for principal positions being supported by local executive authorities and courts has a negative impact on their activity. Besides the moral and material damage this impact causes to the population and municipal servants, non-fulfillment of municipality decisions by their chairmen, financial breaches, abuse and arbitrariness in distribution and sale of municipal lands weakens the activity and undermines the authority of these institutions.

In most of municipalities the provisions of legislative acts on local governance are not properly fulfilled. On the one hand, this derives from unawareness of municipality members of implementation mechanisms of these acts; on the other hand from their unwillingness to comply due to their propensity to bribery.

Measures carried out by municipalities in the social sphere are mainly limited to granting aid to the families in need, martyr's families and in some cases improvement and repair of roads. The practice shows that in reality, municipalities sometimes have no idea of their major usual duties and responsibilities.

In charge of social and economic development of the country at local level, municipalities should realize their responsibilities alongside state and make use of all the lawful opportunities for this purpose. As a consequence of these instances, a greater portion of the population mistrusts municipalities.

Some heads of municipalities believe that their main duty is to distribute and sell lands owned by municipalities. Frequently occurs that municipalities, especially in Baku, sell land plots in their ownership for prices much higher than determined by the legislation.

Complaints addressed to Ombudsman mainly reflect the misdistribution of land plots and abuse of budget expenditures. In this respect, Ombudsman has taken some measures to remedy the situation and addressed to the appropriate bodies.

An emphasis laid on the development of the agrarian sector in the country is being increased. There is a great need in taking goal-oriented measures for the development of agriculture and its areas, including plant-growing, tobacco-growing, sugar beet-growing, seed-growing, vine-growing, silkworm breeding, livestock farming. Therefore, it is essential to provide the local agricultural production with necessary credits to obtain positive results in perspective. Addressing gas, electricity and water problems, including irrigation is likely to enhance the process of development.

Among main features contributing to the rise in agricultural production is implementation of planned activity aimed at meeting needs in modern technique and equipment, necessary production

commodities; restoration of irrigation systems and construction of the new ones; restoration of soil fertility; provision of fertilizers and other chemicals; organization of seed provision; expansion of the network of processing enterprises.

It is the lack of purveying centers in rural districts and lack of adequate measures adopted by appropriate state bodies that caused great problems with sale of harvest. It is worth to mention that the harvest failure has a negative impact on social condition of people involved.

Presidential instructions over the agrarian sector, including allocation of funds amounting to 80 million AZN for purchase of fertilizers and fuel, are likely to give impetus to the development of peasant's farming.

1.3. Protection of the rights of refugees and internally displaced persons (IDPs)

Problems of refugees and internally displaced persons, including improving their social conditions, are always in the focus of attention of the state.

Over a short period by means of funding allocated by State Oil Fund, were built 47 settlements (including 2 settlements supported by international organizations) with their own social-technical infrastructure; 6411 individual houses with total area of 400,000 sq. m; 18 schools for 3150 pupils; 18 kindergartens; 2 hospitals; 16 medical centers; 197 km of an asphalt road; 170 km of water pipeline; 350 km of an electric transmission line; 133 km of irrigation pipeline; there were organized 76 farm enterprises; allotted 47,000 land plots. Consequently housing conditions of 32,000 persons, including 1330 refugee and 5081 IDP families, have been improved. By 2003, most refugee tent camps had been closed.

Over this period, major work has been done to move IDPs from camp towns to the newly built settlements, as the President of the Republic has promised. Thus, 4 settlements of this type were built in 2006 to have accommodated 6315 IDPs with 1 ha of arable land and 0,12 ha of personal plot.

The process is being continued in 2007 as well. Aiming that funds amounting to 38 million AZN have been allocated from the state budget and more than 110 million AZN – from the State Oil Fund of the Azerbaijan Republic (SOFAR). At the same time, it is planned to improve living conditions of 22,921 families, covering 110,000 IDPs; also to move 21,354 families to the new settlements; to repair public buildings permanently resided by 1567 families; to establish 30,000 labour places.

As one of the main directions of Ombudsman's activity protection of human rights of refugees and IDPs is always in her center of attention.

Ombudsman developed several statements regarding the genocide of Azerbaijanis inflicted by armenians in Xojali and Shusha, as well as Nagorno Karabakh and occupied territories and forwarded these statements to the UN Secretary General, High

Commissioner for Human Rights, High Commissioner for Refugees, European Union, Council of Europe, OSCE and International and European Ombudsman institutions, Association of Asian Ombudsmen, Ombudsmen that are members of these organizations, foreign embassies in Azerbaijan Republic, Azerbaijani Embassies abroad, as well as Azerbaijani Diasporas operating in different countries.

Ombudsman attaches a great importance to the collaboration with the UN High Commission for Refugees in Azerbaijan.

She considers the implementation of programs aiming the health care of vulnerable groups of population and also prophylactic measures against dangerous diseases very essential.

In the reviewed period, she also received Mr.A.Weisis, head of “Medicine Sans Frontiere” (MSF); Mr. Leo Platvoet, rapporteur on missing persons of the Parliamentary Assembly of Council of Europe, who always paid attention to Azerbaijani missing persons, war prisoners and hostages detained during the Nagorno Karabakh conflict.

Ombudsman closely collaborated with the Ministry of National Security and International Committee of the Red Cross (ICRC) regarding the fates of missing persons, prisoners and hostages. She met with Mrs. Susanna Lopez, acting head of ICRC Mission to Azerbaijan and coordinator of the Committee’s Defense Program. She addressed a letter to Mr. Jacob Kellenberg, President of the ICRC in Geneva, and asked him to assist in returning Azerbaijani prisoners under Armenian detention as soon as possible and preventing cases of violence subjected against them during their detention.

Ombudsman also focused on the case of serviceman Ramil Safarov accused of murder of an Armenian Officer in Hungary.

Over this same period Ombudsman paid regular visits to the regions of IDP settlements including Saatli, Sabirabad, Barda, Bilasuvar, as well as, new settlements of “Gayidish” in Fizuli, Naftalan, Guzanli district of Agdam region. She inquired about the conditions and difficulties of these people, forced to leave their motherlands and took measures to solve their problems.

While being in Fizuli region, Commissioner visited the new schools in new settlements of “Gayidish”, assisted in providing textbooks and materials and presented hundreds of books for settlement school libraries. She also got acquainted with training of children and work conditions of teachers in pre-school education establishments, presented them some resources and baby clothes.

Ombudsman urged to the Ministries of Finance and Education, to the State Committee of the Republic of Azerbaijan on Deals of Refugees and Internally Displaced Persons about the problems of kindergartens, unable to start their activity due to the delay in financing and non-payment of salaries of teachers and social workers. Consequently, necessary measures were taken so that the problem was resolved and normal activity of kindergartens was restored.

Considering improper funding of kindergartens in the settlements of “Gayidish”, as well as difficulties in educating mixed groups of children of different age categories, Ombudsman appealed to the Ministries of Education and Finances, and the problem was resolved.

At various times Commissioner has received refugee and internally displaced persons applying her and taken relevant measures for solving their problems.

1.4 Protection of the rights of inmates

Realization of large-scale repair-construction activities with a view of bringing the detention conditions, including medical-sanitary services, in conformity with modern requirements, and placing the inmates close to their family members and places of their residence will contribute to improvement of the situation in the penitentiary system.

An obvious testimony to this is the construction of a new hospital building in Gobustan, modern dining premises in prison #7, a new bath and wash house for tuberculosis patients. Besides, penitentiary institutions and isolation wards have been supplied with high-quality facilities and agricultural products in compliance with the established standards.

Still, an emphasis has to be laid on socially useful labor as a means of reformation. From that point of view, it would be appropriate to take measures aimed at creating appropriate production spheres.

In the past period, Ombudsman and her staff regularly inspected penitentiaries and pre-trial detention places. Meanwhile, she checked whether the inmates enjoyed their rights, gave some recommendations to the administration of the penitentiary for elimination of the identified shortcomings, and if necessary appealed to the Ministry of Justice. As a result, a number of shortcomings have been removed.

During the inspections, they concentrated on problems of personal safety of inmates, as well as freedom of conscience, thought and religion. At the same time, they appealed with regard to pension security, family and other problems of inmates, and some of these problems were solved after the Commissioner's intervention.

The Commissioner, who regularly visits juvenile penitentiaries, got acquainted with the situation, detention conditions, nutrition, medical provision and education of the inmates, as well as assisted in solving their problems.

Ombudsman repeatedly met with former ministers Farhad Aliyev and Ali Insanov, as well as with ex-president of "AzPetrol" company Rafiq Aliyev, who are detained at pre-trial detention centre of the Ministry of National Security, got acquainted with their health and needs. During the meetings with these persons they noted that they had no complaints on the detention conditions, treatment towards them, as well as on meeting with their attorneys. They noted that they were kept under regular medical control, were not subjected to illegal treatment or violence, and any kind of physical pressure. Ex-ministers objected to procrastination and development of the investigations as well as noted that they needed specialized medical care. Ombudsman informed the Ministry of National Security about these demands and insisted on taking necessary measures within the law. By the way, they were informed of the opportunity to call a doctor, and they could enjoy this right.

Depending upon the medical recommendation, inmates are entitled to a medical care under ambulatory or inpatient conditions, including the first aid. Following the Ombudsman's intervention, a number of violations regarding this have been removed.

Serving his sentence in Gobustan prison, an inmate M. told Ombudsman that he had problems with the health, and his appeals to the head doctor, as well as the administration of the prison didn't yield any results. After the Commissioner's intervention the inmate has been re-examined, during the examination his status was regarded to be satisfactory, and the necessary ambulatory treatment has been appointed at the medical-sanitary unit of the prison to treat him.

The inmates should serve their term of imprisonment in conditions where there is respect for the human dignity. While at penitentiary No.1, an inmate Z. appealed to Ombudsman, saying that he was persecuted by the administration of the penitentiary. He asked Ombudsman to assist him in transferring him to another penitentiary to serve his sentence. After the Ombudsman's intervention the inmate's appeal was ensured and the inmate was transferred to another penitentiary.

The inmates should be provided with meals for normal activity of organism and the food served to them should comply with the established standards. As a result of Ombudsman's repeated inquiries they were able to get qualitative bread and meals, as well as medical drugs.

On 21-23 December 2006 on the Ombudsman's initiative, the staff members of her Office visited the Azerbaijanis detained at penitentiaries, prisons and medical institutions in Tbilisi, Rustavi and Mskheti, by the mediation of the Georgian Ombudsman. They met with the inmates in person. During the meetings, some inmates who are citizens of the Azerbaijan Republic asked to assist in extraditing them to Azerbaijan to serve the rest of their sentence at home. In this connection, Ombudsman appealed to the Ministries of Justice and Internal Affairs.

It would be appropriate to recall that Ombudsman has repeatedly applied to the Commission on Pardoning under the President of the Azerbaijan Republic to address

problems of the inmates and their family members. As a result, 18 inmates were pardoned, totaling 170. She also raised a question of pardoning children, women and old people.

1.5 Protection of the rights of servicemen

Over the last years, the material and technical base of the Armed Forces has strengthened, its technical provision improved, and a number of reforms have been carried out for keeping the military training in good status, raising military ability, strengthening the discipline of the military personnel and fostering its defense potential, international relations in the field of military education expanded, some measures were taken to recruit the army with experienced personnel who master military profession, to raise the patriotism spirit in military servicemen to improve their social and living conditions, as well as medical and sanatorium services rendered to them, and to grant them lax mortgage credits.

Complaints filed to the Ombudsman by servicemen and their family members deal with violation of law and other shortcomings in granting privileges, ensuring the right to housing, and in passing military service, unavailability of cash security, non-payment of compensations for premises, as well as violations of military regulations, and other cases.

Ombudsman, who regularly visits military units, got acquainted with living conditions, demobilization of the officers, ensigns and extended servicemen, as well as health conditions and nutrition of soldiers. She visited medical stations of military units, checked the quality of the rendered medical services and meals, inspected their dormitories and resting places, talked to servicemen' parents, gave the administration of military units certain recommendations on eliminating the revealed shortcomings, and if necessary appealed to the Ministry of Defense.

Ombudsman expresses her concern over the cases of wounding and death at military units, which don't occur during military operations, but as a result of violation of military regulations. She notes that such cases not only undermines the reputation of the army, but also leads to discouragement of the army-aged youth who consider protection of the Homeland their duty. Shortcomings in educational and legal activity, as well as the low

level of responsibility shown by officers in charge of ensuring the discipline at military units lead to violation of military regulations.

A complaint from Agjabadi district appealed to Ombudsman, saying that his son who serves in a military unit had been beaten to death by his commander, and he asked to institute criminal proceedings against the culprits. After the Ombudsman's appeal to the Military Prosecutor, it became clear that criminal case was initiated against the commander of platoon over the death of the complainant's son, an act of accusation was issued on the case, and the case was sent to the court to be reviewed.

Though, such cases appear mainly among the personnel of junior officers, the cases of prosecution by senior officers are not rare. A complainant from Barda appealed to the Ombudsman, noting that insult and persecution of his son, who was the chief of staff, by senior officers posed obstacles for the performance of his duties, and asked to change his military unit. After Ombudsman's appeal to the Ministry of Defense, the service place of the complainant's son was changed.

Indifference of local executive bodies to social security of the demobees contributes to the formation of negative opinion on armed forces in the society. Thus, a complainant from Shamkir told Ombudsman that his appeals to the executive power on allotting a plot of land to his demobilized son yielded no results. After Ombudsman's interference, Hajialilar Municipality allotted a plot of land for him.

Most complaints deal with problems in demobilization of persons serving as ensigns under the contract. Thus, regarding this we can cite a lot of complaints, in all these cases after the Ombudsman's intervention the violated rights of the citizens were restored and the complainants were transferred to the reserve.

Indifferent attitude and apathy of military commissariat towards the citizens manifested itself in different forms. One of its causes is cases of bribery observed in the military bodies. By the way, the fact that some military officials were brought to trial and the cases were sent to the court causes concerns over the situation in the army.

The solution of the above mentioned problems reaffirms the importance of changing the attitude of the society towards the army and military service in a positive way, and applying the institute of public control over both the conscription and service in the army.

The Commissioner, who pays special attention to the cooperation with the Ministry of Defense, prepared a plan of joint trainings for 2007 and sent it to the Ministry.

1.6 Protection of the children's rights

One of the major directions of Ombudsman's comprehensive activity is the protection of child rights.

In its recommendations regarding the latest report of Azerbaijan government, the UN Committee on the rights of the Child appraised the measures undertaken by the government on child rights protection in Azerbaijan. At the same time, the Committee recommended to institute a position of Commissioner for child rights under the office of Ombudsman or establish a special department for ensuring and protecting child rights.

Last year considering this recommendation there was established a Child Rights Centre with financial support of UNICEF within the framework of "Protection of Child's Rights: Strengthening the Activity of Ombudsman in the area of child rights " project.

There were held legal educational trainings for children in Quba, Ganja, Barda and Balakan regions with participation of members of local authorities and other organizations within the framework of the project.

Paying a particular attention to the right to education of children, Ombudsman holds regular meetings with school teachers and children during her visits to regions, and gets acquainted with their current problems. The absence of heating systems, irregularities in supply of electricity, need in educational resources, no arrangements for children's leisure-time activities typical for many schools, also exclusion of children from schools, especially girls and forcing them to early marriages are unacceptable in Commissioner's view. Thus she appealed to relevant state bodies and held a broad legal enlightenment events aimed at addressing the mentioned problems.

Ombudsman visited Zardabi village boarding school in Quba region with a view of getting familiar with the current situation, and gave relevant recommendations to remove shortcomings.

Also, she inspected a boarding school № 14 for children with speech disabilities in Qaradag region, cared for children's living conditions, education, and organization of their leisure time and gave her recommendations to improve the situation.

Constantly paying attention to ensuring the rights of juvenile prisoners, Commissioner has frequently visited them, presented textbooks to the school, and sets of computers to the library of the the correctional institution.

In association with UNICEF, Ombudsman Institution held group discussions with children, and talked with the heads of children's institutions and persons working with children to identify the cases of violence in children's homes, boarding schools, child correctional institution, temporary detention places.

She expressed her concern that names, age, addresses of school of children and teenagers, victims of violence, guilty of delinquency or detained during the raids of police to the night clubs and bars, are made public by police officers through mass media contrary to the current legislation.

Ombudsman applied to Minister of Internal Affairs asking to prevent these cases expressing her anxiety that the instances of this kind can lead to infringement of child's rights, moral trauma, their isolation from society and even suicide. Consequently a head of Baku police department instructed its local branches to avoid revealing information of this kind without consent of children or their authorized representatives.

The Commissioner held a round table discussion jointly with Ministry of Foreign Affairs, of obligations and future tasks deriving from recommendations of Committee on the Rights of the Child attended by members of Parliament, UNICEF Mission in Azerbaijan, state entities, NGOs and Mass Media.

Furthermore, by initiative of Commissioner there were held a conference on "Towards Creation of a World Fit for Children" jointly with UNICEF dedicated to anniversary of the

Convention on the Rights of the Child and also round tables on “Right to Health of Mothers and Children”, “Youth Bridging the Generations” devoted to the International Youth Day.

In the reviewed period, Ombudsman received J. Doek, Chairman of the UN Committee on the Rights of the Child, Caroline Hamilton international expert of UNICEF and also, the head and representatives of this organization in Azerbaijan.

Commissioner met with the graduates of Leadership school of “Child to Child Peace Network” regarding the 15th anniversary of State Independence and presented certificates to 5th alumni of the school.

She also visited juvenile prisoners and detainees at the investigative isolator №3 and Child Correctional Institution 1st of June, on occasion of the International Child Protection Day.

Adviser of Ombudsman on child rights held a monitoring in Qobustan, Davachi, Shamakhi, Agsu, Ismailli and Goychay regions participating as an expert in debates within the framework of the project on "Development of Juvenile Justice System in Azerbaijan" financially supported by the UNICEF and OSCE. At the same time as one of the authors of the textbook on juvenile justice "Administration of Justice and Child Rights", the counselor took part in drafting the National Action Plan to combat commercial and sexual abuse of children, child pornography and sexual violence against children.

The Institution has participated in the development of State Program on “De-institutionalization and alternative care (2006-2015)” and is represented in the Council of Coordination formed for implementation of the program.

Ombudsman urged to Milli Majlis suggesting to make amendments to the Law of the Republic of Azerbaijan on "Youth Policy", under which youth age would amount to 18-35 instead of 16-35.

In the Ombudsman's opinion, to raise effectiveness of child rights protection activity, it would be appropriate to take into account children's opinion when drafting legal acts and state programs, and involve them in practical implementation of these programs.

1.7 Protection of the rights of the disabled persons

The status of disabled persons and protection of their rights have always been in the center of Ombudsman's attention and she has regularly taken necessary steps in this regard.

Last year, Ombudsman tried to promote the protection of the rights of disabled persons through strengthening the collaboration and developing mutual relations between state bodies and NGOs. She put forward her proposals and recommendations in the discussions organized to draw state's and society's attention to the problems of these persons in need of care.

According to article 5 of the Law "On social benefits", persons entitled to get several types of monthly benefits, including children, may choose only one type of these benefits. It should be added that both healthy and disabled parentless children are entitled to designated benefit. Ombudsman, considering it expedient to grant benefits to disabled children under 16 regardless of all other cases, addressed to Milli Majlis and the Ministry of Finance with this suggestion.

One of the problems worrying Commissioner is that a benefit rate for disabled children under 16 is below the minimal living standard also that no benefit is granted to persons taking care of the disabled of first group incapable to move or to meet physical needs freely. Ombudsman thinks that it would be appropriate to make relevant changes to the legislative acts, raising a benefit rate for disabled of the first group and disabled children under 16 above the minimal living standard.

The shortage of modern wheelchairs, lack of special lifts, elevators and ramps restricts disabled person's access to public places and their opportunities to study and work adequately.

Considers it necessary to install ramps in the streets, pedestrian subways, obtain buses provided with special elevators, Ombudsman appealed to the head of Baku executive power to take measures in this direction. Her suggestion was approved and it was urged to Ministry of Transportation to solve this issue.

Also, after Commissioner's appeal the Ministry of Communications and Information Technologies gave relevant instructions to related structures to install public telephone boxes with relevant height for wheel-chaired disabled persons in Baku and regions.

CHAPTER II

THE ACTIVITIES OF THE COMMISSIONER IN THE FIELD OF LEGAL EDUCATION, SCIENTIFIC-ANALYTICAL WORK, COOPERATION WITH MASS MEDIA AND CIVIL SOCIETY, INTERNATIONAL RELATIONS

2.1 Education on human rights

Nowadays, the legal education of the population, development of legal thought and culture are among the significant factors promoting the formation of democratic state with rule of law and civil society.

There were held seminars regarding the re-elections to Milli Majlis and the first municipal elections in different regions of the country in 2006, attended by the representatives of the Presidential Office, Ministry of Justice, Central Election Commission, local election commissions, local authorities, courts, prosecutor's offices, police, municipal bodies, mass media and local population.

Child Rights Center under Ombudsman, supported by the office and the UNICEF Mission in Azerbaijan, has been successful in carrying enlightenment on child rights in various children's institutions, including secondary schools, children's homes, boarding schools and child correctional institution in Baku and regions of the country, also, arranged 3-day training courses on "Child Rights Protection Mechanisms in Azerbaijan" in Ganja, Quba, Sharur, Astara, Barda and Balakan.

With the purpose of disseminating information on child rights at schools, there were held seminars on human rights and child rights in the secondary schools in Baku within the framework of joint plan of action signed between Ombudsman and the Ministry of Education for implementation of the UN World Program for Human Rights Education and plan of action for its first phase (2005-2007) to be applied in primary and secondary schools.

In accordance with an agreement between Ombudsman and the Ministry of Internal Affairs, a complex of measures has been carried out to provide information on national legislation and international acts on human rights, prevention of violence and tortures against prisoners.

Aiming the awareness rising on human rights and freedoms stated in the international treaties and national legislation, Ombudsman arranged seminars for legal education of various strata of the population and distributed literature on human rights.

When resolving conflicts and disputes, Ombudsman gives preference to the mediation, and thus considers it necessary to establish mediation institutes in Azerbaijan.

2.2 Scientific-analytical work

In the reviewed period, the proposals has been submitted to Milli Majlis regarding adoption or review of laws aimed at ensuring human rights and freedoms, at the same time suggestions on amendments to the labour, family, housing, civil, civil-procedural, criminal, criminal-procedural codes and laws on “Protection of Consumer’s rights”, and on “Patent”.

It is noteworthy that some proposals put forward by Ombudsman have been taken into account or adopted in the legislative acts, including acts "On Labor Pensions", "On Social Benefits", "On Oncology Aid"; Presidential decrees and laws of the Republic of Azerbaijan "On State Budget of the Republic of Azerbaijan for 2007", "On Application of the Law "On Social Allowances"; decisions of the Cabinet of Ministers ("State Program on Hemophilia and Thalassemia", "Measures on Immuno-prophylaxis of Infection Diseases", "Measures on Chronic Renal lack", "State Program of Measures on Social Protection of Disabled Persons in 2006", "State Program of Measures to Protect Unemployed in 2006").

2.3. Relations with civil society and Mass Media

2.3.1 Cooperation with civil society and NGOs

It was attached special attention to the relations of the Commissioner with various institutions and organizations, state bodies, including NGO in order to introduce the Commissioner’s activity to broad public, to learn public opinion on new idea and initiative in the Institution’s activity and formulate adequate public opinion on the basis of objective information, conviction and transparency.

Particular emphasis was given to the activity of the Council of Experts to maintain more effective and goal-oriented cooperation. Members of the Council took an active part in the arrangements organized by the Commissioner, took joint actions to draw public's attention in exploring human rights protection problems and their ways of solution and developing new proposals aimed at improving human rights protection in Azerbaijan.

The Commissioner's experience in this field, gained throughout this period, gives grounds to assert that the role of collaboration and mutual activity of great importance. From this standpoint, Ombudsman considers it expedient to expand collaboration with NGOs and give preference to dialogues in problems solution.

Representatives of the Council of Experts, state bodies and NGOs attended round tables organized by the Commissioner on the "State Program of Azerbaijani Youth" from Human Rights Perspectives", "Role of addressed social aid in protection of social and economic rights", "Protection of Scientific Achievements through protection Right to Intellectual Property", "On the Path to Creation suitable World for Children's ", "Role of State and civil society in protection of elderly rights", "Role of state and non-governmental organizations in the protection rights of the disabled persons", "Joint Struggle against AIDS – Drug Addiction in the context of Human Rights Protection", "Struggle against Corruption as a tool in the protection of Human Rights Protection», etc.

The Commissioner is intended to expand cooperation with civil society.

2.3.2 Cooperation with mass media

The Commissioner has established effective cooperation with mass media as they were regularly updated of the important moments of the Commissioner's activity. 4135 articles and information of the Office activity until December 31 2006 , including 1 112 in 2006, and since the beginning of the activity till present about 100 Commissioner's interviews and articles has been published in the newspapers and journals, more than 40 of them in 2006, and was conducted monitoring of 947 articles.

On the whole, 313 of 950 press-releases relates to the 2006. 377 of 722 press- releases , which has been prepared in English and sent to the Council of Europe, relates to 2006. It was broadcasted about 200 programs, 2 documentary films were shot and video-library was created where 200 video-records are stored.

Following a monitoring conducted by the children's organization "Young Leaders", the Commissioner's Office press service was distinguished amongst the press-services of other state bodies and was declared winner in "providing mass media with information about the situation in child's rights protection and provision and the most open press service to the children's organizations ".

Close ties have been established with the Media Council, National Television and Radio Council, journalistic organizations and mass media, reporters of local and central newspapers and TV-channels.

During press-conferences and briefings held by the Commissioner's Office, representatives of mass media were informed of measures taken towards human rights protection and major directions of the Commissioner's activity.

With a view to assisting journalists in the raising their qualification and developing legal awareness, it was held round tables on "Journalistic and law", "Public relations: all ways through mass media", "National prosperity and our press", "Role of the media in the building of the informational society".

On the occasion of the 10 December- International Human Rights day, it was held traditional "Rights for everyone " competition of the journalists' articles and child drawings sponsored by the UN Development Program and the winners of the 1st, 2nd 3rd places were presented money reward and certificates for the best article and child drawing.

2.4 International relations

The Commissioner established relations with various international organizations within the country and abroad: the UNDP, UNICEF, OSCE, CE, International Ombudsman

Institute, European Ombudsman Institute, with specialized Ombudsman Institutions such as Association of Asian Ombudsman, embassies of foreign countries in Azerbaijan and foreign partners.

Within the Year of Russia in Azerbaijan, it was held on the Commissioner's initiative "Cooperation level and development perspectives for the protection of human rights" the 4th international Baku conference, 5-7 may, 2006 by the participation of V.P. Lukin, Commissioner of Russian Federation and other Commissioners of Russian regions for human rights".

Mr. Thomas Hammerberg, newly elected Commissioner for Human Rights of the CE, who paid his first visit to Azerbaijan amongst CIS countries on the invitation of the Commissioner, has also attended the international conference. Also, Ilham Aliyev, President of the Republic of Azerbaijan and Oqtay Asadov, chairman of Milli Mejlis received T. Hammerberg and V.P.Lukin.

On 27 October 2006, the International Coordination Committee of National Human Rights Institutions granted Ombudsman Institution a status "A" which was determined by the fact that National Human Rights Institutions correspond to Paris principles.

Contributing to the further expansion of international ties and strengthening of collaboration with the UN and its structures, the status enables Azerbaijan to independently participate in the UN Human Rights Council and give its recommendations on the reports of Azerbaijan to be submitted to the UN Treaty Bodies.

Ombudswoman has signed agreements on collaboration with a number of the Commissioner's of foreign countries to restore violated rights of our citizens abroad and foreign citizens in Azerbaijan.

During her visit to Kiev together with the Commissioner for human rights of Nakchivan Autonomous Republic in October 2006, it was held meetings with the Commissioner for human rights of the Supreme Rada of Ukraine and exchange of views on the current problems. The Commissioner had also fruitful meetings with representatives of the YUNESKO, UNICEF, SIDA, International Red Cross Organization, ABA-CEELI and other

representatives of the international agencies. Furthermore, Ombudswoman met with Prof. W. Doecky, Chairman of the UN Child's Rights Protection Committee, representatives of the European Committee against Tortures J.Hadjek, S.Manata, W.Zakars, B. Vodz and S.Qalucchini.

In the meanwhile, the Commissioner considers it expedient to expand collaboration with "Freedom House" and "Human Rights Watch" to provide international community with unbiased and reliable information of freedoms and human rights protection in Azerbaijan.

Over the past year, Commissioner attended the following international events: in Istanbul "Role of Women in the Dialogue between Civilizations", in Kazan "Dialogue, Tolerance and Education", in Bucharest by the support of Romania-Turkey" Chamber of Trade and Commerce on the UNESCO initiative "Role of Women in Inter-Religious Reconciliation ", in Vienna OSCE "Human Rights Protection Advocates and National Human Rights Institutions: Legislation, State and Non-Governmental Aspects ", in Istanbul "Role of Ombudsman Institute in Consolidating Democracy" arranged by the Parliamentary Assembly of the Black Sea Economic Cooperation; in Kiev: "Experience of Ombudsman Institute on Child's Rights: Perspectives for Ukraine "; in Berlin "Role in National Human Rights Institutions in the Activity of the UN Treaty Bodies", in Enosburg General Assembly of the European Ombudsman Institutes, in Palencia the 3rd Conference arranged by the UNICEF, in Nantes the 2nd World Forum on Human Rights; in Athens: the 4th round table on human rights arranged by National Human Rights Institutions.

It should be noted that representatives of the Office attended the following meetings and conferences: in Monaco: "Build Europe with the Help of Children and for Children" arranged by the Council of Europe and the Principdom of Monaco, in Geneva: "The UN Council of Human Rights" arranged by the UN World Federation and the UNHC for human rights, in Ankara by the Eurasian Human Rights Federation "Human Rights and Democracy in Terms of Globalization, ", in Moscow: the 49th Conference of the Russian International Association of Lawyers, in Warsaw the OSCE Human Rights Summary Meeting, in Karlovy Vary the 4th International Round Table of Ombudsmen arranged by the UNHCHR and the UN system Partner's College; trainings in Sarajevo arranged by

UN High Commissioner for Human Rights; the Human Rights Protection conference arranged by the Swedish Raul Wallenberg Institute of Humanitarian Law and Human Rights Institute, at the same time they visited Geneva as the winners of Leadership prize and working visit to Lithuania with a view of acquainting with this country's experience on human rights protection.

During her last year's visit to Ukraine, Russia and Germany and other countries, the Commissioner met with our compatriots abroad, interested in their problems and appealed to relevant bodies for their solution. The Commissioner presented them various materials, including documents on the situation of the Azerbaijani refugees, Khojaly massacre discs, the UN's Resolutions, various legal publications prepared by the Commissioner's Office.

In the visit to Ukraine the Commissioner attended opening ceremony of the department on Azeri language, history, culture and economics at the Kharkov Slavonic University. She submitted her recommendations and proposals on a film devoted to Khojaly tragedy being shot by the Ukrainian TV-channel and arranged a meeting between creative team of the film with IDPs from Khojaly.

Also, the Commissioner together with Qanira Pashayeva, member of Milli Mejlis paid a visit to Georgia to familiarize herself with the condition and problems of the Azerbaijanis residing there, educational problems of children and youth, and to provide them with school supplies.

CONCLUSION AND RECOMMENDATIONS

It has been taken measures towards the resolution of the long-year problems, certain progress has been achieved as result of the measures within the “State Program on Social and Economic Development of the Regions”, opened new perspectives for country’s development. Also, these include the development of non-oil sector of the country, expansion of private sector and provision of the right to free entrepreneurship, new production fields by application of the modern technologies, restoration of many industrial areas, structural changes in different areas, growth of investments, development of the agrarian sector, including households and farm enterprises, and level of poverty was reduced from 49% to 20%.

The analysis of the state budget for 2007 shows that our growing budget was aimed at improvement of living conditions of the population and ensuring social progress that, in turn, creates real opportunity for more effective protection of human rights and freedoms.

One of the achievements of the country’s economy in 2006 was the launch of the Baku-Tbilisi-Ceyhan oil pipeline as integral part of “Contract of the century” and meantime, the construction of Baku-Tbilisi-Erzurum gas pipeline is coming to the end.

Admission of Azerbaijan to the UN Human Rights Council is one the most remarkable events of 2006. Taking into consideration necessity of the uniting all efforts around the single strategy within forthcoming 3 years for resolution fundamental problems of our people, the Commissioner applied to President of the Azerbaijan Republic with proposal to draft National Action Plan aimed at the solution of the key issues and set up Coordination Council at the Commissioner’s Office.

Greater part of the Commissioner’s proposals was taken into account in the National Plan of Actions on Human Rights of the Azerbaijan Republic approved by the Presidential Decree dated 28 December 2006.

It should be noted that for the last time the Commissioner established very close cooperation both with state bodies and civil society institutions, including non-governmental organizations to protect human rights and restore violated rights of citizens.

Looking back to the last year, it can be seen that the Institution that protects human rights out-of-court has achieved considerable achievements in elimination of bureaucratic obstacles, improvement of the legislation, updating methods of management in conformity with human rights development owing to the measures on restoration of violated rights .

The establishment of three regional branches of the Commissioner by the support of the UNDP in Guba, Sheki and Jalilabad and surrounding regions, was very effectual whereas the creation of them was not considered by the Office structure. These centers regularly received complainants, carried out legal education among various strata of the population

in the surrounding regions and meetings with population by participation of the representatives of local executive powers, municipalities, law enforcement bodies, etc.

The work of the branches, which are functioning till present by sponsorship of the UNDP, is legally set forth under Constitutional Law dated October 2, 2006 "On Making Changes and Amendments in the Constitution Law of the Azerbaijan Republic on the Commissioner for Human rights (Ombudsman). It provides for the establishment of Ganja regional centre at the expense of state budget and amendments to the Office structure and list of staff. In the last year's report, the Commissioner proposed opening a regional centre in the Nakhchivan Autonomous Republic and as a result, Ombudsman Institution was established in the NAR.

Also, Ombudswoman has appointed advisers for refugees and forced migrants, prisoners, servicemen, children, old people and invalids.

The Institution's experience allows to assert about a great potential for raising its effectiveness both under the Constitution Law and real requirements. From this standpoint, it is essential to make necessary amendments and supplements in the Constitution Law with a view of monitoring and protection human rights freedoms, and to expand the Commissioner's powers with regard to restoration of violated rights and raise the effectiveness of the Ombudsman's Office activity. It should be noted that Ombudswoman has forwarded her proposals on amendments in the Constitution Law to Milli Majlis.

The analysis shows that though the number of complaints did not vary in 2006 as compared with 2005, however, some changes did occur in their structure.

For instance, the number of complaints regarding non-issue of identification cards, incorrect calculation of pensions, land problems, etc. has relatively dropped. Meanwhile, the number of complaints on addressed social aid, inactivity of municipalities, housing and public utilities , including gas, electricity and water, has somewhat increased.

The problem is that most official are still far from a concept of "human rights and they do not realize that their major duty is directed to ensuring human rights and freedoms that sometimes impact negatively on our relations with state bodies.

For the most part, complaints relate to bureaucratic procrastination and arbitrariness of officials and civil servants. The fact that governmental and municipal bodies decline from receiving citizens in proper time, responding to their appeals and neglects within their powers leads to the violation of human rights and legitimate interests of people.

Some issues that emerged in the provision of human rights have been tackled and restored by the joint efforts of the Commissioner and state bodies.

Moreover, the Commissioner is intended to expand collaboration with state bodies, municipalities as well as specialized human rights NGOs and mass media with the purpose of protecting human rights and freedoms and prompt investigation of the citizens' applications and complaints.

The Commissioner appealed to the relevant state bodies with the proposals on protection of human rights and freedoms, social problems of the population, including elderly,

women, children, invalids, refugees and IDPs, servicemen, convicts, etc. Some of the following proposals have been considered.

- *preventing procrastination and bureaucratic hindrances in the course of implementation of state programs and plans; strengthening of public control and responsibility;*
- *drafting a code of business ethics providing for the prevention of corruption, strengthening responsibility of the some officials who reject the rule of law and raise a feel of responsibility of entrepreneurs (businessman) who disrespect the laws as well as ensuring the right to free entrepreneurship and regulating relations between businessmen and official (public servants);*
- *create a public network based on collaboration of state bodies between the Commissioner and broad public, including NGOs and mass media with a view to raising effectiveness of struggle against corruption;*
- *drawing up and adopting a state program to ensure freedom of speech, effective protection of journalists' rights and development of mass media;*
- *by involving the representatives city and regional execute powers, municipalities and housing and public utilities departments' work out a simplified mechanism meeting the interests of citizens to accelerate and simplify issue of identification cards to citizens residing in the countryside and settlements, to elderly with physical restrictions, including invalids of the first group.*
- *establishing state-budgeted legal consultation Offices in Baku and regions to ensure the right to secure qualified legal assistance for everybody, including low-income families (individuals);*
- *drawing up proposals aimed at improving freedoms of assembly and mechanisms of their execution;*
- *improve the police experience in the protecting of public order for preventing conflicts and violence during meetings, rallies and pickets;*

- *acceleration the adoption of the Protocol to the UN Convention “On Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment” signed by Azerbaijan on 15 September 2005;*
- *ensure the rights and freedoms of people with a view of protection the right to conscience irrespective of religion, improvement the legislation on religious freedoms and its monitoring, strengthen the religious education and advocate respect for freedom of conscience;*
- *involve theologians and experts in the awareness activity to implant respect for freedom of conscience in children and youth, religious tolerance and preparing various publications on relevant subject;*
- *taking into account that national and religious tolerance is a distinctive feature of Azerbaijani society, it would be appropriate to create an inter-religious council “Peace Culture through Religion” comprising of major religious confessions and organizations of the country as well as prepare a mechanism of teaching and propaganda of religious values between religious communities and ethnic groups;*
- *acquainting the world public with the policy of tolerance in Azerbaijan, strengthening the work on the religious tolerance, developing inter-national inter-civilization, inter-religious and inter-cultural dialogues and collaboration contributing to the establishment of peace, drawing state and non-governmental bodies including NGOs and mass media, in the process,;*
- *to prepare strict control system over the situation to prevent infringement of labor rights of workers by the private sector, especially by foreign companies functioning in Azerbaijan;*
- *creating an appropriate guarantee system to clear off debts in case of bankruptcy of an enterprise or its insolvency as a result of natural disaster; developing necessary mechanisms to attain this goal;*

- *creating and applying mechanisms to compensate a citizen for losses he incurred regardless of legal and organizational forms of an enterprise or a structure guilty of losses;*
- *raising an unemployment allowances up to the minimum living standard;*
- *drawing up a unified pension code taking into account outcomes of reforms in the pension system;*
- *simplifying regulations for addressed social aid and replacement of 6-month period by 1 year;*
- *if it is not informed of the cases that may cause reduction or stop of granting addressed social aid, to lessen 2 years provided for forfeiting the aid up to the 6 months.*
- *taking into account the families having many children while defining state social aids, as well as deducting an amount of benefits being paid to invalids, elderly and poor people, including disabled family members, from total amount of demand criterion;*
- *drawing up a law on regulating social services of the population and training highly qualified social workers;*
- *developing a mechanism of repaying savings of the citizens of the Azerbaijan Republic as of 1 January 1992 at the former Savings Bank of the USSR, now placed at the National Bank of the Azerbaijan Republic (providing that it will be repaid since 2007, in the first turn, to elderly and poor families;*
- *preventing environmental pollution, strengthening control over activities of pollutant enterprises and their punishment, restricting use of defective cars and transport facilities polluting atmosphere, and preventing their import in the country;*
- *strengthening control over usage of pesticides and quarries and other toxic agrochemical substances*

- *to strengthen control over quarry to protect the right of residents of Baku settlements to live in healthy environment;;*
- *drawing up regional programs for rational use of land stock and growth of forest reserves, protection of pastures, purification of oil-polluted Absheron lands, prevention of water basins, rivers and the sea from industrial waste;*
- *creating mechanism regulating protection of sanitary-protective areas and protecting the right of citizens to live in healthy environment, control over destruction of health resort areas, sport playgrounds, verdure, etc. in the erection of multi-storied buildings;*
- *to fix special places for garbage disposal, establishing enterprises on non-waste production and put them into operation;*
- *strengthening control over quality and import of foodstuffs;*
- *drawing up plan of measures to solve the drinking water problem;*
- *carrying on measures to implant people culture on treating environment and monitorings ;*
- *drawing up and subsequent implementing goal-oriented state programs to prevent drug addiction and diseases such as AIDS,; informing the population about pernicious habits; drafting and application the national program "Healthy Life";*
- *governing with the principles of new strategy "Stop Tuberculosis" to draw up and implement a goal-oriented program on urgent measures with tuberculosis;*
- *furnishing maternity houses with special medical equipment and transport facilities, taking measures to ensure adequate medical aid at the expense of state funds;*
- *working out of medical insurance mechanisms;*

- *resolving educational problems to be regulated by the unified "Education Code" Law;*
- *elaborating rating principles and regulations for secondary general education, high and vocational training schools as integral part of the future higher education; carrying out reforms in the education system;*
- *applying public control over education in association with state educational agencies, Commissioner, NGOs and mass media;*
- *regular monitoring of private educational institutions, unregistered and unlicensed, or operating in isolation from the State Student Admission Commission. This monitoring aims to prevent violation rights of citizens to education;*
- *applying encouraging methods to reduce tuition fees or exempt from higher educational or secondary education charges for the students demonstrating excellent results in the examinations and observing disciplinary standards;*
- *taking into account high demand for social workers and specialists within the framework of economic development, it is essential to draw social qualified teachers and psychologists in the secondary schools to be able to work with children, carry out special encouraging measures to involve businessmen and well-to-do people in developing education, creating special funds, applying credit systems for educational purposes;*
- *raising scholarships for indigent students to assist them in paying for accommodation, transport charges, purchase of manuals, etc.;*
- *increasing salaries of research workers at state bodies and higher educational institutions;*
- *improving awareness of human rights protection, expanding educational work to develop legal knowledge and culture of citizens to comply with "Education for Everybody!" and "Nobody can ignore education!" principles, "Decade of Human Rights Education" and "World Human Rights Education Un*

Programs", as well as "Education for Sustainable Development" UNESCO Program to ensure stage-by-stage human rights protection education;

- raising prices for lands up to the market ones to prevent corruption during purchase/sale procedures by the municipalities;*
- developing system of profitable crediting of large-scale agricultural enterprises and family farm economies to step up agrarian development paces;*
- purchasing new technologies and agricultural machinery; creating supply centers for agricultural produce; expanding networks of processing enterprises; building new, large-scale irrigation systems;*
- housing construction in the countryside, creating necessary infrastructures to meet demand for young specialists in rural locality;*
- drawing up, adopting and implementing goal-oriented programs to include measures on administrative, financial and social protection of motherland, children and family;*
- allocating monthly cash allowance to one of parents or other family member in partly paid maternity or children's care leave worth, at least, 25% of average monthly wages till a child is 1,5 year old (equally from a job place and the State Social Security Fund); if a person concerned does not work, the State Social Security Fund undertakes to pay, at least, a basic part of superannuation, as well as subsistence minimum for 1.5 to 3 years old child nursing;*
- raising monthly benefits to tutors of parentless children to thus cover minimum charges for caring. Besides, provisions are made to pay a lump sum allowance to parents (persons) of a child from a boarding school or a children's home for tutorship purposes, as well as allowances for parentless children proper;*
- strengthening social security of orphans and children deprived of parental caret through the establishment of social-rehabilitation centers, crisis centers*

for children exposed to violence, services centers under appropriate state social security bodies, creation of mechanisms for alternative care for children, their transfer from educational institutions to families and thus their integration into society; raising funds from the state budget to implement an appropriate program;

- *increasing expenditures for food designed for kindergartens, boarding schools, primarily schools;*
- *provision of commissions for the protection rights of minors with human and technical resources, reorganization the work of these commissions to protect children's rights more effectively. For this end, it would be appropriate to make necessary changes and amendments in the charter;*
- *in view of needs of defective and mentally retarded children, it is essential to re-consider a question of granting allowances to children-invalids under 16 in the amount depending upon heavy, medium and easy disability, when adjusted for the fact that needs of parentless and disabled children are different from those of normal children;*
- *in view of problems arising from payment of alimony to maintain a child, it is essential to create and apply appropriate mechanisms on paying alimony by the State Social Security Fund or another state-funded body ;*
- *in view of children's problems, especially those juvenile delinquents, it is essential to elaborate a State Program on Fair Court of Juveniles to stipulate for preventive measures against possible delinquencies, alternative methods of education, rehabilitation measures to re-integrate into society, their legal and job security, right to have their personal clothes, household things, etc., proper education, as well as training of special legal workers and lawyers to work with children;*
- *arranging long- term meeting rooms at children's foundling hospitals, creating bedrooms per 2-3 persons, protecting their right to personal life and social*

rehabilitation; allotting places for psychologists, library, medical examination, etc.;

- *adopting a Law "On Protection of Children against Harmful Information" to avert a negative effect on children's psychology from mass media, Internet, other Sources;*
- *insuring children by the state to protect their health, rendering special financial assistance to the families with twins and triplets, including charges for nurses, medical services, as well as nursing mothers with a child under 3; elaborating a goal-oriented program aimed at the social protection of families with infants, sick or invalid children;*
- *provision of various social privileges and guarantees for elderly, including an extra old age benefit to persons above 70;*
- *bringing pensions, benefits and allowances paid to invalids and other people concerned into conformity with real social demands and needs to comply with minimum subsistence level;*
- *paying benefits children under 18 years old due to the death of a family head and to the disability, specifically children-invalids who lost their bread-winners;*
- *adding new established posts to the manning table of administrative, managerial, household, medical and kitchen personnel of boarding schools for mentally regarded children and those with nervous disorders; providing children with special medical personnel (psychologists, speech therapists and so on); raising care for their health conditions, improving their maintenance; a special medical worker to care for 7-10 children-invalids;*
- *setting up a working group made of Ombudswoman's representatives, appropriate state bodies and non-governmental organizations with a view of arresting state and civil society's attention on the resolution of invalids problems;*

- *in view of the needs of invalids and local conditions, it is essential to allocate special areas, places, premises, etc. to draw up them into socially useful labor, create necessary for home work and entrepreneurship activity through providing them with necessary raw materials and arranging sales of finished products; installing ramps in pedestrian subways; purchasing buses with special contrivances for invalids; installing telephone boxes for invalids with disturbed loco-motor apparatus;*
- *allocating interest-free credits for the organization of new production areas;*
- *taking into consideration the interests of invalids in the course of design and construction of social infrastructure objects, including special doors and staircases for invalids; ensuring access for invalids to residential houses; installing special sound signals on traffic lights and road signs for blind invalids; creating necessary conditions for invalids to attend theatres, cultural and sporting establishments;*
- *signing by the Azerbaijan Republic of "Convention on Invalids' Rights" adopted on 13 December 2006 by the UN Assembly;*
- *repaying servicemen's debts;*
- *bringing money compensations to servicemen for foodstuffs consumed into conformity with their real needs;*
- *raising salaries of soldiers;*
- *exempting from income taxes of officers, warrant officers and extended servicemen;*
- *raising compensations to officers, warrant officers and extended servicemen for rent and transport charges, provided a place of residence is located far from a military unit;*

- *elaborating and adopting a law on preventing groundless call-ups of mentally retarded, drug addicts, tuberculosis and AIDS patients; preparing and adoption of draft law on rendering them medical aid;*
- *exerting public control over military service to protect rights of servicemen; averting improper relations; strengthening discipline; providing soldiers with adequate rations; consolidating legality and order in the bodies of military management; enhancing responsibility for military duties;*
- *raising expenditures for provision the convicts with medical aid and preparations;*
- *increasing charges for prisoners at the penitentiaries, pre-trial and temporary detention places ;*
- *allowing for correction of the convicts through the appropriate use of their physical power; attracting businessmen and well-to-do people to create jobs and solve the unemployment problem in prisons;*
- *bringing the former convicts to normal mode of life; taking measures for their social and psychological adaptation; setting up a center for social rehabilitation of the convicts.*

It should be noted that the implementation of proposals and recommendations, reflected both in the last and current year's reports, creates favorable conditions to raise effectiveness of human rights protection.

Large scale reforms being realized in the country, following the path of democratic, law governed state, has created favorable conditions for the more effective provision and protection of human rights and freedoms and gave impetus to the sustainable development of these rights. With that end in view, Ombudswoman suggested to set up a Center for Communication and Monitoring, and this proposal has been welcomed. Of particular importance is the involvement of state bodies and non-governmental organizations, as well as all strata of the population in the implementation of the Plan. She held

consultations with state bodies and various non-governmental organizations as official executors of the Plan.

At present, Ombudswoman is engaged in carrying out the preparatory work to conduct public hearings in various regions of the country to be attended by representatives of state bodies, civil society and communities, which is an important step toward effective implementation of measures as set forth in the document.

To sum up, close collaboration of all social strata of the population within the framework of the National Plan of Actions is expected to launch a new stage in the effective and reliable protection of human rights.