



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

**ON PROVISION AND PROTECTION OF HUMAN RIGHTS AND FREEDOMS IN THE REPUBLIC OF
AZERBAIJAN**

2011

(SUMMARY)

Baku – 2012

Foreword

The main aim of the report is to evaluate the state of ensuring human and civil rights and freedoms in the country, to analyze the situation of important problems on human rights revealed in 2011, as well as to provide the information on activities conducted by the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan for the restoration of violated human rights, protection of human rights and prevention of their infringement

The report was prepared on the basis of appeals, petitions, proposals and complaints; different cases, problems and challenges disclosed during the visits of the Commissioner and staff members of the Institute to penitentiaries, investigatory isolators, temporary detention places, military units, orphanages, boarding schools, settlements of the refugees and IDPs, healthcare and social protection facilities, meetings with population in regions and investigations carried out there; official responses and attitudes of state agencies and authorities; proposals and recommendations submitted to state bodies; materials of national and international seminars and conferences dedicated to human rights; works implemented within the framework of the cooperation with non-governmental organizations; as well as of the information provided by the mass media.

The report reflects the activities of the Commissioner in the area of the protection of human rights and freedoms, educational and awareness-raising events regarding the given sphere, the organization of scientific-analytical work, public relations, issues of international cooperation, as well as outcomes and recommendations.

According to the Article 14 of the Constitutional Law of the Republic of Azerbaijan "On the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan", this annual report was prepared to be submitted to the President of the Republic of Azerbaijan, presented before the Milli Majlis (Parliament) of the Republic of Azerbaijan, as well as to be addressed to the Cabinet of Ministers, Constitutional Court, Supreme Court and General Prosecutor's Office of the Republic of Azerbaijan.

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Introduction

The supreme goal of our state is to provide human rights and freedoms as well as the decent standards of living to all citizens of the Republic of Azerbaijan. For reaching this aim reflected in the article 12 of the country Constitution the reforms increasing the welfare of the population were implemented during last year.

The employment rate was increased and more than a million workplaces, including 94 thousands new ones for 2011, were opened; the unemployment rate decreased to 5,4 percents. Also, in 2011 the poverty level was equal to 106,9 manats while the poverty rate decreased to 7,6 percents.

According to the “Global Competitiveness Report” (2011), for its economic competitiveness ability among 142 countries Azerbaijan was ranked the 55th and the 1st among CIS countries.

Election of Azerbaijan as a non-permanent member of the UN Security Council, winning the first place at the Eurovision song contest as well as the conduction of the World Forum on Intercultural Dialogue and Baku International Humanitarian Forum had a significant influence on our county’s international image.

In compliance with the appropriate Presidential Decree, the preparation of the “Azerbaijan 2020: vision into the future” Development Concept will play an important role in raising the living standards of the population to the worthy level, development of science and culture as well as attaining new achievements in all aspects of public life.

Reaching its 10th anniversary in 2012 the institute of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan implemented its activities in the effective cooperation with state agencies, NGOs, mass media, communities as well as international organizations.

The changes and amendments adopted to the Constitutional Law broadened the competence as well as ensured the independence of the Commissioner by granting the rights to fulfill the functions of the National Preventive Mechanism against torture as well as to supervise over the implementation of obligations arising

from the requirements of the Law of the Republic of Azerbaijan “On Access to Information”.

Last year, as a part of main activities, the Commissioner has also worked on combating such issues as red tape, bureaucratic obstacles and arbitrariness, violence, corruption, indifferent attitudes towards citizens’ problems in order to better ensure human rights and right to appeal as well as protect people’s honor and dignity.

The Commissioner and the Institute staff members conducted regular meetings with local habitants in various regions of the country, visited temporary detention places, investigatory isolators, prisons, military units, healthcare and education facilities, orphanages, centers for old and disabled persons, boarding schools and IDP settlements, organized receptions, carried out significant advisory work and consultations as well as other activities on human rights protection.

Since the establishment of the Institute the Commissioner has received 75.400 appeals in total; 12.680 of them were submitted during 2011. 88,9% of these appeals were complaints, the other 11,1% - petitions.

In comparison with 2010 the number of appeals has increased by 8,7% with some structural changes. Thus, among those appeals the number of complaints on labor, social and property rights as well as the right to appeal has increased while the ones on judicial protection rights and corruption have decreased.

The increase of appeals in number indicates the improvement of the Commissioner’s activity on the restoration of violated human rights as well as conductions of on-the-spot investigations and solution of complaints. At the same time, it demonstrates the increase of trust and confidence of people in the Commissioner. On the other hand, the fact that the officials do not usually receive citizens, do not respond to their complaints or do it with delays or in a formal way may also explain this change in statistics.

53,1% of appeals could not be reviewed due to the following requirements of the Constitutional Law: a complaint is out of the Commissioner’s competence; more than a year has passed since the date when the case of human rights violation occurred; a complaint is anonymous; a complaint is being examined within court proceedings; repeatedly submitted petitions does not contain any new information, fact and evidence.

46,9% of the appeals were accepted for examination and 64,8% of them were resolved. The appeals were reviewed within the period defined by the Constitutional Law and responded.

During meetings with complainants as well as in response letters the citizens were provided with recommendations and information on forms, methods and means of human rights and freedoms protection, as well as explained the way of appealing to appropriate state agencies with relation to mentioned or other issues.

Upon the initiative, proposal and organizational support of the Commissioner, a number of significant events dedicated to human rights protection and promotion were implemented.

Last year, a series of events on the occasion of the 20th anniversary of the independence restoration of the Republic of Azerbaijan were held at the Institute, educational facilities and in rayons.

Upon the Commissioner's initiative and the UNESCO's support the IX Baku International Conference of Ombudspersons entitled "The Cultural Rights of National Minorities and Migrants: Legal Aspects and Implementation" was organized on 16-18 June 2011. The conference was conducted on the eve of the "18 June – Human Rights Day in the Republic of Azerbaijan" and was a successful conclusion to the "Human Rights Month-Long Campaign".

The Commissioner attaching special importance to the promotion of the culture of peace conducted "Month of Peace" campaign from 21st August to 21st September as well as "Child Rights Month-Long Campaign" from October 20 to November 20 - on the eve of the adoption of the Convention on the Rights of the Child.

Along with that the Commissioner carried out round table discussion on "December 10 – International Human Rights Day", article writing contest for journalist on the topic "Human rights for everyone" as well as painting and photo competitions for children titled "Ageing in the eyes of children" and "Me and my rights". All winners were announced and awarded.

Since the beginning of the Institute's activity the Commissioner have had regular meetings with local people and got closely acquainted with their problems. During the previous year, the Commissioner, as a part of her activity, has also

submitted various proposals and recommendations to competent state agencies and local executive bodies on solution of the problems of human rights and freedoms protection as well as their efficient provision and promotion.

The analysis of improvements achieved in ten years demonstrates that the best practice in the sphere of the cooperation with state bodies, municipalities, civil society organizations and mass media sources should be enhanced in order to better ensure human and civil rights and freedoms as well as to investigate the complaints in a rapid manner.

The activities set forth in the “National Action Program for the Protection of Human Rights” approved by the Presidential Decree of 27 December 2011 created real opportunities for conducting joint work in new directions and achieving success together with state bodies and civil society organizations.

Chapter I

The Activity of the Commissioner in the Field of the Protection of Human Rights and Freedoms

1. Protection of Civil and Political Rights

Right to freedom. The number of complaints on red tape occurred while issuing IDs and on the violation of ethical rules, which are being restored through mutual cooperation of the Commissioner and the Ministry of Internal Affairs on the protection of the right to liberty and its integral part - the freedom of movement, has decreased.

During 2010, 138 complaints were sent from cities and rayons with regard to the issue of ID provision as well as permanent residence registration; however, last year 166 of such type of complaints were submitted to the Commissioner. It should be mentioned that 11 of these complaints were sent from Surakhani District, 10 - from Khatai District about 10 from Yasamal and Sabunchu Districts of Baku city, as well as from Goygol, Shaki, Zaqatala and other rayons.

Some complaints also reflected shortcomings which appeared during the implementation of the Cabinet of Minister's Decree No. 55 of 9 April 2003 on receiving permanent residence registration and issuance of ID cards.

As a result of actions taken on resolving the issues raised in complaints, in all cases violated rights were restored.

Observations and analysis demonstrate that there is still the problem of red tape when receiving documents for issuing or changing IDs and permanent residence registration at appropriate departments of law enforcement agencies in some cities and rayons. These cases are connected with a series of objective or non-objective reasons. Thus, the buildings of the departments as well as the number of staff members working there are not appropriate to the local population quantity. On the other hand, some police officers do not observe ethical norms and rules while communicating with citizens.

In order to prevent occurrence of such kind of violations, it is important to increase the staff number of the mentioned departments as well as to provide proper reception room and technical tools for overcoming administrative, technical and organizational hindrances.

At the same time, in the cases of loss of ID cards or expiry of their dates some problems emerged while providing temporary ID cards until new ones are issued.

Although the situation on issuing of regular passports became adjusted, some difficulties are experienced by people. It is considered that the appropriate way to eliminate obstacles in the process of regular passport issuance is provision of this function to registration and ID cards department of police bodies.

Visits to detention places. Last year, the Commissioner and the Institute's staff members paid regular visits to a number of detention places: temporary detention isolators of the Ministry of Internal Affairs Main Organized Crime Department, also Main Passport, Registration and Migration Department Division on Struggle against Illegal Migration and Department on Struggle against Trafficking in Human Beings, Administrative Detention Unit of the Main Police Department of Baku City as well as Penitentiary Service of the Ministry of Justice and investigative isolator of the Ministry of National Security.

During meetings with detainees in TDPs and investigatory isolators, personal conversations were held, detention conditions were examined, and the prisoners were explained their rights. Also, the documents on provision of lawyer, explanation of their rights to detained suspects, prosecutor supervision during the detention period at police departments, as well as on legitimacy of the detention were observed. The detainees stated that generally they did not face violence or rude treatment and had no complaints about treatment by police servants.

Some shortcomings were revealed during visits and examinations. There is a need in a strict observance of international standards as well as the "Norms on provision of police bodies with specially equipped buildings" approved by the Decision of the Cabinet of Ministers No. 130 dated 30 June 2001, proper obeying the laws by police staff members and continuation of joint educational activities.

It should be mentioned that the punishment not only of police officers responsible for commitment of these violations, but also of higher police authorities

as well as informing local population and state bodies on these cases can serve as an effective measure for preventing above-mentioned violations.

For eliminating violation of laws and shortcomings revealed during visits, the comments and recommendation on taking appropriate measures were sent to the head of police bodies; in necessary cases the appeals were submitted to the Prosecutor General's Office of the Republic of Azerbaijan as well as Minister of Internal Affairs or Minister of Justice. As a result, some police officers infringing the law were brought to administrative responsibility; appropriate actions were implemented on the shortcomings revealed.

The head of the temporary detention isolator of the Goychay Police Station (PS), chief police sergeant F.Huseynov, was brought to administrative liability for putting a citizen into isolator without approval of detention protocol with coat-of-arms seal. The same punishment was applied to the head of Tovuz PS - Vaqif Ismayilov, his deputies – Zafar Zeynalov and Oruj Amiraslanov, and the head of isolator – Elmir Asgarov since the documentation on three persons was not conducted properly due to lack of supervision, and body search was not carried out in appropriate manner. At the same time, chief operating officer of the Criminal Investigation Division of the Tovuz PS was dismissed from service in bodies of internal affairs because of rude treatment towards detainees and their groundless detention.

Right to protection of honor and dignity. During last year, in order to resolve complaints in this sphere and restore the right to protection of honor and dignity the Commissioner submitted inquiries to appropriate bodies for conducting investigation. As a result, relevant measures were implemented and administrative punishments were imposed on the offenders.

Thus, the head of the Police Station No.13 of Sabunchu Police Department (PD), F.Jamalov, received serious warning for rough treatment of citizens. Moreover, in accordance with appropriate order of the Minister of internal affairs, administrative punishment was imposed on police captain of Imishli PS, Rafail Bayramov for shortcomings at workplace.

The 24 hours hotline of Rapid Investigation Group created upon the initiative of the Commissioner for preventing torture and cruel, inhuman, degrading or rough treatment as well as "916" hotline on the problem of child rights violation has been

effectively functioning. Relevant investigation and other measures were implemented on the basis of received information.

For investigating one of the complaints on ill-treatment cases at boarding school No.7 (Absheron district, Saray settlement) the Commissioner addressed the Ministry of Labor and Social Protection of the Population. As a result, one of the sanitary assistants was fired for rough treatment of children, and the director was also dismissed due to weak supervision.

The Commissioner proposes that along with employees violating human rights and being subjected to administrative punishments, their management authorities should also be punished for weak supervision over staff members work. At the same time, all employees of appropriate body as well as the society should be informed on imposed punishments and their causes.

In order to prevent the violation of the right to protection of honor and dignity that were or may be committed by appropriate state bodies having power of coercion, especially police officers, the Commissioner proposed to organize special educational activities in this sphere. Such activities may increase the faith of people to the rule of law as well as the confidence in law enforcement agencies.

In addition to the above-mentioned, there is a need to improve national legislation in accordance with international treaties.

Complying with the Article 133 (“Torture”) of the Criminal Code, the “torture” is causing strong physical pains or mental sufferings by regular causing battery or other violent actions, not entailed to consequences provided in articles 126 (“Deliberate causing of serious harm to health”) and 127 (“Deliberate causing of minor serious harm to health”) of the present Code. In other words, “causing strong physical pains or mental sufferings” can be accepted as a “torture” only if it has regular character. Consequently, the disposition given in the Article 133 of the given Code does not comply with the Article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Commissioner proposed to bring the Article 133 of the Criminal Code in conformity with the Article 1 of the Convention; the measures are being taken in this area.

By the way, according to the information provided by the General Prosecutor’s Office during the discussion of the 3rd periodic report of our country at the 43rd session of the UN Committee against Torture held in Geneva the recommendation of

the Committee on making the definition “torture” given in the Article 133 of the Criminal Code compliant with the Article 1 of the Convention was accepted by Azerbaijan delegation.

The Supreme Court of the Republic of Azerbaijan has expressed its expectation of changing the definition “torture” compliant with the one stated in the Convention what in its turn will serve to better provision of human rights and freedoms.

Activities of the Commissioner as a National Preventive Mechanism. In accordance with the Presidential Decree of 13 January 2009, the Commissioner was approved to fulfill the functions of a National Preventive Mechanism. Appropriate amendment was made to the Constitutional Law of the Republic of Azerbaijan “On the Commissioner for Human Rights of the Republic of Azerbaijan” by adoption of the Constitutional Law 163-IVKQD. This amendment contributed to provision of the independence of the Commissioner and advancement of her competences.

With regard to the amendments the Commissioner urged the Cabinet of Ministers to create new structural division within the Institute. Although the appeal was met positively, and appropriate instructions were given to the Ministry of Finance for allocating budget on the matter in 2012, no actions have been taken yet. The funds should also be allocated for activities of professional and experienced experts to be attracted to this structural division.

The NPM group of 17 staff members of the Institute, including regional offices, created by the Commissioner continued implementing its activities last year.

The NPM group was accepted to the membership of the Council of Europe Network of National Preventive Mechanisms against Torture. The head of the NPM group was appointed as a coordinator for this Network in compliance with the Commissioner’s Decree.

In 2010 there were 254 places of complete or partial deprivation of freedom in the country. As a result of liquidation of a series of facilities, including special facilities of Penitentiary Service of the Ministry of Justice, in 2011 this number was decreased to 239. This list includes appropriate facilities of the Ministry of Internal Affairs, Ministry of Justice, Ministry of National Security, Ministry of Education, Ministry of Health as well as Ministry of Labor and Social Protection.

During 2011 the NPM group conducted 381, including 310 planned and 71 ad-hoc, visits to the places of deprivation of freedom. NPM members had private interviews with 1000 persons held in temporary detention places, 830 people in investigatory isolators and prisons, as well as 400 persons in other facilities that people cannot leave on their own will. At the same time, the NPM representatives carried out similar activities with 200 staff members of these institutions.

While conducting these visits the NPM group representatives paid special attention to treatment of detainees, detention conditions, documentation, provision of healthcare, food quality, correctional measures imposed on detainees as well as the organization of their leisure time. It should be mentioned that the preference was given to confidential meetings with detained persons.

Heads of these facilities and other officials created necessary conditions for the Commissioner and the NPM group members during visits and made proposals to eliminate revealed shortcomings and implement the recommendations provided in this regard.

Along with positive changes mentioned during visits, a number of shortcomings were revealed. Appropriate state bodies and, in necessary cases, the Prosecutor General's Office of the Republic of Azerbaijan were addressed on the problems.

In 2011, 105 press releases on the activities of the Commissioner on combating torture were published in Azerbaijani and English languages and disseminated; press releases translated into Russian were sent to the Council of Europe Commissioner for Human Rights.

The report of the Commissioner "On the Activity as a National Preventive Mechanism on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" for 2009-2010 was published in Azerbaijani and English languages. It was placed on the Institute's website and disseminated among state agencies, society and specialized international organizations. The report for 2011 has also been prepared.

Freedom of expression, speech and information. In order to prevent politization of mass media and ensure its independence and impartiality, it would be appropriate to increase state support to the development of mass media sources and broaden the scope of projects funded by the State Support Fund for Mass Media under the President of the Republic of Azerbaijan.

Publications that harm honor and dignity as well as professional and business reputation of people should be prevented in accordance with procedures established by law; the knowledge and professional training of journalists should be improved. By the way, last year the *proposal of the Commissioner to improve the legislation in order to eliminate criminal liability for defamation* was reflected in the paragraph 1.2.7 of the National Program for Action.

For increasing the knowledge and professional training of mass media representatives, especially those writing on human rights issues, trainings, seminars and legal enlightenment activities were carried out upon the initiative of the Commissioner. A special importance should be attached to the continuous press conferences and briefings as well as events attended by Institute's staff members in the capacity of experts.

Moreover, the head of the Institute's Department has conducted practical seminars in Quba rayon on such topics as "UN Human Rights System: Treaty Bodies, Obligations of Azerbaijan under UN Conventions", "Freedom of Speech: International Covenant on Civil and Political Rights" and "UN Special Rapporteurs, the Procedure of Submitting Complaints". These events were carried out with the support of the Office of the UN High Commissioner for Human Rights and were attended by representatives of periodical press, information agencies, TV and radio channels as well as journalist organizations.

Numerous educational activities and traditional journalists' competition were carried out; the awards were presented to the winners of the competition named "Human Rights for Everyone!" and dedicated to the "December 10 – UN Human Rights Day".

At the period of the establishment of information society, the issue of granting the Commissioner the competence to control whether state bodies, municipalities and state officials holding information execute their duties according to the requirements of the Law of the Republic of Azerbaijan "On Access to Information" were discussed with the involvement of mentioned bodies as well as representatives of mass media, NGOs and well-known experts during the series of consultations organized at the Institute. The perspectives of the cooperation in this sphere were also covered at these discussions.

Taking into consideration that in compliance with the amendments and changes to the Constitutional Law, the Commissioner was provided with the competence to supervise over execution of obligations set forth in the Law “On Access to Information”, the Cabinet of Ministers was addressed with regard to creating new structural division within the Institute and approving the staff number. Although in 2012 appropriate instructions on resolving the matter and allocating funds were given to the Ministry of Finance, no actions have been taken yet.

The representatives of mass media should be actively involved in advertising national priorities, supporting the justice as well as informing the world community on dynamic processes going on in the country, issues important for the nation and true facts about our state. They should be committed to the freedom of speech and media, pluralism of opinions and rules of professional ethical conduct.

The role of the Commissioner in attracting journalists of the State Support Fund to Mass Media under the President of the Republic of Azerbaijan, Azerbaijan Media Council and other associated bodies to trainings and seminars aimed at increasing their professional skills is of outmost importance.

The attitudes towards mass media representatives as well as the conditions of detained journalists were kept under control. The Commissioner as well as Institute’s staff members held regular meetings with them, got acquainted with detention conditions, food and healthcare, paid attention to their treatment, regularly communicated with the administration of prisons and investigatory isolators and provided appropriate recommendations on revealed shortcomings.

Along with that, regular meetings were conducted with detained journalist Eynulla Fatullayev. He expressed gratitude for the attention paid to his detention conditions and satisfaction for active involvement of doctors of Head Medical Center of the Ministry of Justice.

By the way, Eynulla Fatullayev and blogger Jabbar Savalanli were pardoned in accordance with the Presidential Decrees of 26 May, 2011 and 26 December, 2011 correspondingly.

The Commissioner proposed to refer to world experience and use alternative methods of punishments (penalties, temporarily ban a newspaper, etc.) with regard to journalists.

Freedom of conscience. Previous year, such activities as registration of religious organizations in accordance with law, allocation of land for religious buildings and places of worship, gradual transfer of state-owned religious buildings under the control of religious organizations (communities), as well as organization of rooms for worship within prisons, investigatory isolators and temporary detention places were successfully continued. At the same time, the issues of inter-religious dialogue as well as of religious and moral education were broadly promoted via mass media.

More than 510 religious communities, including 32 non-Islamic ones, passed registration in the country complying with the Law of the Republic of Azerbaijan “On Freedom of Religion”.

The analysis of ensuring freedom of religion has once more demonstrated that Azerbaijan is included to the list of rare countries where mosques, churches and synagogues are functioning in the condition of religious tolerance and no case of religious discrimination was faced.

The climate of religious tolerance as well as non-discrimination of Christians, Jews and representatives of other religions was noticed by Holy Patriarch of Moscow and all Russia Alexy II, the Pope of Roman Catholic Church Jahn Paul II, Ecumenical Patriarch Bartholomew II and delegation of USA Jewish organizations.

The complaints on violation of the freedom of conscience submitted to the Commissioner during last year were investigated and all infringed rights were restored.

In order to efficiently ensure the freedom of conscience, the Commissioner conducted appropriate events with participation of representatives of state bodies, NGOs, mass media, communities, various religious confessions as well as national and religious minorities.

During local, regional and international events, the Commissioner and the Institute’s staff members provided information on religious and ethnic tolerance, intercultural dialogue and inter-religious cooperation existing in Azerbaijan. The proposals of the Commissioner on promoting peace culture through religion were also presented.

At meetings conducted in regions, usage of religious as well as national and moral values was encouraged. At the same time, the local population was given an

opportunity to share their proposals and complaints, and to be provided with appropriate legal assistance.

Freedom of assembly. The Commissioner paid close attention to the provision of freedom of assembly.

It is important to mention that the Institute's staff members visited temporary detention isolators of Sabayil and Yasamal PS as well as the Administrative Detention Unit of the Main Police Department of Baku City for meeting with and getting acquainted with conditions of persons detained during action organized on April 2 in Baku.

In accordance with the task set by the Commissioner, the Institute's representatives had personal conversations with all 14 persons arrested at the action of April 2 and detained in the Administrative Detention Unit of the Main Police Department of Baku City, including Arif Hajili, Ahad Mammadli and others, and examined their detention conditions. As it was revealed the detainees were not subjected to any act of violence or violation of human rights by administration or staff members of the facility. However, they expressed discontent about the investigation process of their cases and court decisions.

At the same time, the Institute's staff members visited police officers placed in hospital of the Ministry of Internal Affairs due to receiving injuries of various degrees at actions of 2 April. It was found out that 11 of 24 police officers brought to hospital were left home after getting first medical aid; other 13 of them remained in hospital since they needed in-patient treatment.

Moreover, the investigation was carried out in connection with arrest of mother and her young child at action conducted on April 17. The results of investigation showed that since this woman failed to obey police officers she and her child were put in a police car, taken away from the territory of action and set free near the National Seaside Park without being taken to a police department. In order to meet with persons detained at action of April 17, the Institute's representatives visited the Administrative Detention Unit of the Main Police Department of Baku City. No complaints regarding the rude treatment by the administration of the facility or on detention conditions were made.

Upon the task set by the Commissioner, the Institute's staff members investigated the case of the devout detained during the action organized in front of

the Ministry of Education on May 6. They met with 9 protesters were subjected to administrative detention in the Administrative Detention Unit of the Main Police Department of Baku City as well as with 6 protesters arrested and detained in the temporary detention isolator of Narimanov PS.

Furthermore, following the task set by the Commissioner the Institute's staff members investigation of the case of 4 young persons arrested during the action conducted on May 22 in the Seaside National Park and brought to the Administrative Detention Unit of the Main Police Department of Baku City. There were not revealed any physical injuries when arrested protesters were brought to the mentioned facility. The head of the Administrative Detention Unit was provided with proper recommendations on improvement of detention conditions.

Also, the Institute representatives visited the persons arrested during the action of June 19 and detained at the Administrative Detention Unit of the Main Police Department of Baku City. Although there were no complaints on detention conditions and treatment, 2 of the detainees expressed discontent about rude treatment when being taken to the police car.

The Commissioner addressed the Prosecutor General of the Republic of Azerbaijan and Minister of Internal Affairs for investigating the information obtained from detainees and taking appropriate measures within legal framework.

For efficient ensuring freedom of assembly the enlightenment seminars on obeying the rules of conduct without employing violence during the meetings and gatherings should be implemented for police officers.

Right to vote. In order to make rerun, additional and new elections conducted in some municipalities more democratic, free and transparent as well as to increase legal culture of various strata of population and communities, the Commissioner together with the Central Election Commission carried out enlightenment activities with the participation of representatives of appropriate state bodies, district and precinct election commissions, local executive bodies, police bodies, NGOs and mass media representatives.

During trips to regions, the Commissioner examined district and precinct election commissions, met with heads and members of election commissions, obtained the information on their activities, as well as provided proper recommendations on improvement of work for better ensuring right to vote. At meetings with local

executive power bodies and police staff organized within the framework of these trips the Commissioner mentioned inadmissibility of their interference to election process and unethical treatment of citizens.

On the election day the Commissioner and 19 Institute's staff members participated as observers and examined the election process in 150 polling stations of 38 election districts in Baku and 28 rayons of the country, including settlements of IDPs and refugees.

The results of observations provide a ground for stating that in general these elections were democratic, free, transparent, and fair and conducted in accordance with legislation and disciplinary norms.

Along with the above mentioned, the following shortcomings were revealed during observations: difficulty in reading the names of voters in lists of electors; although in accordance with the Election Code, the secretaries of election commission should conduct a list of observers examining the election process in voting room, this function was carried out by the heads of these commissions.

The results of observations demonstrated that in general no cases of interference of local executive bodies or police officers in the election process as well as no violations that may put the results of the election under the question were observed. At the same time, lower level of the participation in this election in comparison to previous ones was mentioned.

Last year, the Commissioner did not receive any complaint on the violation of the right to vote.

In order to better provide the right to vote, it is recommended to strengthen awareness-raising work and conduct special courses and seminars for increasing legal knowledge as well as professional training of district and precinct commissions' members. It is appropriate to carry out such courses on a sustainable base but not only before each election.

Right to appeal. The following cases resulted in violation of the right to appeal: officials did not receive citizens; the appeals were not responded; the appeals were responded in a formal manner or delayed.

As a result of investigation of 1.892 complaints addressed to the Commissioner on the violation of the right to appeal, all of the cases were resolved, and rights were restored.

Among 12.860 complaints submitted to the Commissioner 1.179 were related to courts, 632 – to prosecutors' offices, 1.971– to police bodies, 196 – to municipalities and 634 – to non-execution of courts decisions. With regard to all of these cases appeals were addressed to responsible state bodies. In a number of cases the violated rights were restored, and the officials causing these violations were punished.

Besides, there were submitted 904 complaints in connection with local executive power bodies, including 73 ones sent from Imishli, 56 – from Khachmaz, 50– from Kurdamir, 45–from Sabirabad, 24– from Shamkir, 21 – from Barda and Gadabay, 19 – from Masalli, 15 – from Absheron, 13 – from Aghstafa, 11 – from Aghdam, 11 – from Bilasuvar, 10 – from Ismayilli, Lerik, Lankaran, Shamakhi and Jalilabad, 10 – from other regions, 34 – from Baku Narimanov district, and 20 – from Nasimi and Surakhani districts.

It should be mentioned that in comparison with 2010 the number of complaints sent last year in connection with city and rayon local executive bodies was lower for 12,2% than last year. Along with that, as in 2010 the majority of complaints were submitted from Sabirabad and Kurdamir.

By the way, a number of heads of local executive power bodies, including the head of Fizuli Executive Power N.Mukhtarov, the head of Oghuz Executive Power A.Alihuseynov, head of the Barda Executive Power I.Aghayev, head of the Sabirabad Executive Power H.Abbasov, head of the Zangilan Executive Power V.Quliyev, head of the Siyazan Executive Power A.Rufiyev, head of Qazakh Executive Power R.Huseynov, head of Ganja city, Kapaz District Executive Power Ch.Mukhtarov and head of the Ganja city Nizami District Executive Power M.Jabbarli were dismissed from their position.

The complaints has also emerged and increased since local executive power bodies, courts, prosecutors' offices, police bodies and local branches of the State Service for Registration of Real Estate under the State Committee on Property Issues of the Republic of Azerbaijan, State Committee of Land and Cartography as well as of the Ministry of Labor and Social Protection of the Population did not pay proper

attention to appeals of citizens, treated them rudely, did not take necessary measures for resolving problems of complainants, or did not carry out appropriate legal education events and consultations.

The Commissioner took all possible measures within her competence in accordance with the Constitutional Law in order to restore the rights of person urged to address the Institute and could successfully achieve her objectives in majority of cases.

As a result of analysis and monitoring of complaints it was defined that red tape still exists in a number of central state bodies and their local branches or subordinate organizations during registration of complaints and review of documents. Non-registration of a complaint submitted by a citizen in accordance with the requirements of law creates obstacles for resolving the problem indicated in that complaint.

The assessments demonstrated that some officials could receive the explanation of such cases of absence of complaints through threatening citizens, promising to punish them or resolve their problem. They also denied reviewing the complaint on the pretext of being “nervous”.

In order to efficiently ensure human rights, heads of local executive power bodies as well as local branches of central executive power bodies should conduct regular meetings with people and on the spot receptions, learn problems on site and resolve them timely. Except that, the control over local branches should be strengthened.

Judicial guarantee for human rights and freedoms. The measures on improving the court structure, facilitating the process of appealing to court, completing the staff recruitment to judicial body, increasing the number of judges and thus simplifying the workload, as well as on broadening the independence and self-management functions of judicial branch of power had a positive contribution to the development of judicial system and decrease of red tape cases.

The number of judges appointed through advanced and transparent procedures aimed at completing the recruitment process of professional judges of high moral qualities was raised up to 235 persons. They constituted the half of existing court staff and 80 percent of Baku city and economic-administrative courts.

414 lawyers put forward their candidature and participated at transparent and objective testing. It was the first time when the exam was broadcasted live via internet online service.

Termless appointment of judges, evaluation of their work, prohibition of reception of citizens by judges, consideration on publication of court decisions for ensuring transparency, application of Ethical Code of Conduct for Judges and rules on clerical correspondence had positive impact on increasing the efficiency of ensuring judicial guarantee for human rights and freedoms.

Following measures were implemented within the Judicial-Legal Council for in time and professional investigation of appeals submitted to the Council: creation of Division on Fight against Corruption within the Judicial-Legal Council, conduction of appropriate measures on improvement of reception of citizens, facilitating electronic submission of applications, defining supplementary measures for detailed investigation of each complaint, and organization of monitoring in courts.

Violations related to corruption were revealed as a result of monitoring carried out on the basis of complaints in Yasamal, Binaqadi, Khazar and Nizami district courts of Baku, as well as in Mingachevir city and Gadabay rayon Courts.

During the monitoring and investigation conducted in courts, the Judicial-Legal Council revealed the following human rights violations: putting artificial obstacles in implementing the rights of citizens; red tape and other related infringements; violations related to corruption; non-implementation of measures necessary for ensuring participation of parties at judicial process; non-involvement of a plaintiff or defendant in some cases due to non-implementation of measures necessary for ensuring participation of parties at judicial process; groundless restriction of the right to appeal; and other violations. Taking these facts into account, disciplinary proceedings were initiated with regard to a number of judges, and the cases were reviewed in accordance with law.

Thus, the below-mentioned measures were taken in accordance with relevant Presidential Decrees issued on the basis of the data provided by the Judicial-Legal Council: the judge of Imishli Court Qubadali Rzayev and the judge of Qadabay Court Huseyn Huseynov were dismissed from their positions; following the disciplinary order the workplace of the judge of the Binaqadi District Court Maarif Kazimov was changed; the judge of Sumqayit City Court Alakbar Huseynov, Chairman of the

Mingachevir City Court Farhad Afandiyev and Nizami District Court Ziya Aliyev were reprimanded; the judges of Yasamal District Court Tahir Ismayilov and Hajiqabul Court Malik Qarayev were rebuted.

Last year, 1.179 complaints on violation of the right to judicial guarantee for human rights and freedoms were submitted to the Commissioner. 2 of these complaints were sent in connection with the Constitutional Court of the Republic of Azerbaijan, 109 – with the Supreme Court of the Republic of Azerbaijan, 191 – with appellate courts, and 877 – in connection with first instance courts (including 38 sent from Lankaran, 28 - from Shaki, 17 - from Quba and Salyan, 19 - from Mingachevir, 14 - from Shamkir, 13 - from each of Absheron, Barda and Qazakh rayons, 14 - from Astara, 12 - from Gadabay and Bilasuvar, 11 - from Goranboy, Shamakhi and Qabala, 10 - from Goychay, Goygol, Ujar, Khachmaz, Kurdamir and Masalli, 10 - from other rayons).

The analysis demonstrates that the following situations were reflected in the complaints submitted on the violation of the given right: appropriate notifications regarding the time and place of hearing of a lawsuit were not delivered on time to the participants of judicial proceeding; rude treatment of citizens; non-provision or delayed delivery of copies of court decisions to parties; non-submission of appeals and cassation appeals in time; red tape; non-delivery of decisions for execution in time; judges did not control the execution of decisions or did not reviewed the information provided by executing officials.

The Commissioner continued the cooperation with courts and investigated the complaints on red tape, loss of documents or non-provision of documents in time as well as took appropriate measures upon revealing human rights violations. As a result of these activities the Commissioner could reach a success in restoring of violated rights in majority of cases.

The Commissioner recommends conducting sustainable educational courses for judges on the basis of requirements of the Law of the Republic of Azerbaijan “On Courts and Judges”, other legislative acts as well as Ethical Code of Conduct for Judges.

Also, the Commissioner proposes to organize public monitoring and joint monitoring with representatives of Judicial-Legal Council and Ministry of Justice in order to learn the provision of citizens’ rights in courts as well as to reveal

shortcomings and problems in the sphere of ensuring judicial guarantee of human rights and freedoms.

It should be accepted that provision of responses to complaints by courts within defined time as well as in time implementation of obligations set forth in procedural law should lead to significant decrease in a number of submitted complaints.

In order to eliminate the problems emerging from practice during criminal proceedings, in previous annual reports the Commissioner proposed to adopt juvenile justice law which reflects its implementation mechanisms, apply alternative punishments and establish mediation institute for reducing the number of detainees. It should be mentioned broad public discussions were held on this project.

Considering that formation of the juvenal justice system in the country will serve for efficient ensuring child rights and their legal interests, the Commissioner recommends accelerating the adoption of the law on juvenile justice.

Execution of court decisions. Last year, the Commissioner received 634 complaints on non-execution of court decisions, including 231 related to the payment of alimony. 22 of the complaints were submitted from Absheron, 21 – from Sumqayit, 13 – from Mingachevir, 12 – from Lankaran, Barda, Masalli and Quba, 10 – from Goygol, Tovuz and Qabala, 10 – from other rayons, as well as 25 – from Binaqadi District, 20 – from Yasamal District, and 17 – from Nizami, Sabayil and Narimanov Districts of Baku city.

The complaints were related to non-execution or delayed execution of court decisions, red tape and violation of ethical norms by state officials. As a result of investigations and measures conducted in this regard, the court decisions reflected in complaints were completely or partially executed and thus the violated rights of a number of persons were restored.

By the way, taking into account that the number of complaints on non-payment of alimonies has increased, the Commissioner proposes to establish “Alimony Fund”. It is appropriate to create a mechanism of payment of alimonies by means of the State Social Protection Fund (or “Alimony Fund” financed from budget) on terms that the sum equal to alimonies will afterwards be taken from debtors in obligatory manner.

It should be mentioned that the provision of misleading responses by executing officials and red tape during the Commissioner's investigation lead to submission of repeated complaints.

In some cases the rights of people were violated due to indifference of officials, their negligent attitudes to the position they hold and delays in observing cases.

The execution of court decisions were also constrained since the law enforcement agencies, which review the statement of executing officials for taking legal measures with regard to debtors maliciously deviating from paying alimonies, refused to initiate a criminal case, or courts imposed administrative punishment to debtors.

It should be noted that according to the Decree of the President of the Republic of Azerbaijan dated 15 June 2010 on improving the execution of decisions of courts and other bodies, appropriate orders on provision of effective promotion of forced execution and responsibility measures implied by the law, strengthening the activities on prevention of the cases of avoiding the execution of decisions adopted by courts or other agencies and on conduction of the work on other issues were submitted to the Ministry of Justice.

During the investigation of complaints on non-execution of court decisions, compulsory measures were implemented by executive officials in order to ensure the execution.

The above-mentioned situation once more demonstrates the necessity in increasing professional level of executing officials, studying normative-legal acts and improving the work in the given area.

Cooperation with Law-Enforcement Agencies in the Sphere of Human Rights Protection

Cooperation with prosecution authorities. The process of improvement of the prosecutions authorities' work on conducting effective protection of human rights, increasing the efficiency of the management of preliminary investigation, fight against crime, as well as on defense of state prosecution is going on.

As a result of service investigation conducted by the Prosecutor General's Office in 2011, 15 staff members of the prosecution authorities were brought to disciplinary liability for violating human rights. Thus, 5 staff members were rebuked, other 5 were reprimanded, 3 of these employees were given severe reprimand, 1 person was dismissed from the position, and another one was suspended from service in prosecution system. Also, 13 staff members of military prosecutor's office were brought to disciplinary liability and 1 of employees was suspended. Moreover, Criminal proceeding was initiated with regard to another employee who at the same time was dismissed from his position. The appeals of the Commissioners were also considered during these processes.

The Commissioner received 632 complaints related to the prosecution system. 25 of the complaints were submitted from Binaqadi District, 18 – from Lankaran, 17 – from Yasamal and Surakhani Districts, 15 – from Sabunchu and Nizami Districts, 14 – from Goranboy, 13 – from Aghjabadi, 11 – from Barda, and 10 – from each Absheron, Aghdash, Aghsu, Astara and Saatli.

The analysis of complaints shows that since some local prosecutors' offices had not properly conducted procedural management of preliminary investigation, a number of non-objective decisions of police bodies during examinations were cancelled and returned to reexamination.

Non-response to citizens' appeals as well as non-provision of parties with detailed information also were reasons for submission of complaints.

The Commissioner conducted successful investigation in relation to appeals submitted to the prosecution authorities, including Prosecutor General's Office of the Republic of Azerbaijan and assisted complainants in resolving their problems.

As experience shows, the cooperation of the Commissioner with prosecution system in the sphere of human rights protection and restoration of violated rights should be further improved.

Cooperation with internal affairs agencies. Systematic activities aimed at increasing the responsibility and improving discipline of police officers were continued last year under the guidance of the Ministry of Internal Affairs.

It should be mentioned that in 2011 the Commissioner received 1.971 complaints related to police bodies. 118 of these complaints were submitted from Sabunchu

District, 75 – from Yasamal District, 74 – from Binaqadi District, 71 – from Nasimi district, 70 – from Sumqayit, 68 – from Surakhani, 54 – from Khatai District, 49 – from Narimanov District, 45 – from Absheron, 41 – from Lankaran, 39 from –Sabayil, 33 – from Qaradagh, 30 –from Shaki, 29 – from Shamkir, 28 from Nizami District and Masalli, 26 – from Ujar, 25 – from Barda, 24 – from Imishli, 23 – from Kapaz District of Ganja and Aghjabadi, 20 –from Khachmaz, 19 – from Mingachevir, 18 – from Shirvan city and Astara rayon, 17 – from Salyan and Qabala, 16 – from Yevlakh and Bilasuvar, 15 – from Saatli and Quba, 14 – from Zaqatala, and 12 – from Shamakhi, Tovuz and Sabirabad. 1.703 of complaints were submitted in connection with non-objective conduction of preliminary investigation.

The cases reflected in these complaints were related mainly to conduction of non-objective preliminary investigations, violation of the right to appeal, and rude treatment of citizens by police officers.

For investigating the complaints 405 inquiries were sent, and tasks were given to the Ministry of Internal Affairs and its local facilities.

According to official information provided by the Ministry of Internal Affairs, during last year the comprehensive and objective investigation was carried out on all complaints submitted to the Ministry. As a result, upon 175 revealed cases (71 of these cases were related to rude treatment of citizens, 25 – to groundless taking to custody, 26 – to groundless detention, 39 – to violation of drivers' rights, 2 – to groundless criminal liability and 12 – to other facts) 248 staff members of internal affairs agencies were subjected to disciplinary liability. 24 among them were suspended from the service in the internal affairs agencies, 10 persons were dismissed from their position and 214 staff members were involved in other disciplinary actions.

Along with that, this year on the basis of 136 complaints submitted to the Prosecutor General's Office of the Republic of Azerbaijan service investigation was carried out in accordance with the requirement of the "Instruction on the Rules of Conducting Service Investigation". As a result of investigation of 32 revealed cases 46 police officers were brought to disciplinary liability for discipline and legal violations. 10 of these police officers were suspended from service in internal affairs agencies, 7 were given warnings on non-compliance with service obligations, 15 were subjected to severe reprimand, and other 10 were rebuked.

Complying with official information provided by the Ministry of Internal Affairs, during service investigation carried out following the Commissioner inquires the facts on violations by police officers were not confirmed. However, since the facts on law or norms infringements committed by staff members of internal affairs agencies were confirmed, 11 employees were subject to disciplinary actions upon the investigation of 8 cases. 2 of them received warnings on non-compliance with service obligations, 3 employees were given severe reprimand and 6 persons were reprimanded. Besides, one of the police officers was suspended from service due to fact related to service. As a result of service investigation conducted upon the complaint not related to the service, the same disciplinary action was imposed on another police officer. Moreover, 3 police officers received severe reprimand and another one was also reprimanded. 1 of the police officers brought to disciplinary liability served within criminal investigation service, 5 – within public safety service, 3 – within road-patrol service, 3 – within investigation and interrogation service, and 5 employees holding senior positions.

In the cases of termination of uncompleted criminal investigation the prosecutors' offices, upon the interference of the Commissioner, cancelled the decisions and returned the case to appropriate police bodies.

Superficial preliminary investigations as well as non-objective, non-comprehensive and incomplete investigation of cases lead to adoption of groundless decisions. In such cases relevant decisions were cancelled and returned due to assignment of additional material or task; however, no measures were taken with regard to interrogators or investigators facilitating adoption of non-objective decisions.

In some cases the crimes were not solved due to termination of criminal proceedings or non-implementation of operational-search measures in time.

Upon Commissioner's appeals, a number of terminated criminal proceedings were returned to re-investigation. At the same time, appropriate tasks were given by the prosecutors in connection with these cases.

Non-provision of appropriate information or copies of decisions on proceedings by interrogation or investigation bodies to persons identified by the legislation also resulted in submission of complaints. However, appropriate measures were taken in this regard, and thus violated rights were restored.

The main duties of state traffic police include controlling the observance of traffic rules and road safety as well as ensuring safe traffic.

Such issues as strengthening social protection of police officers serving in various spheres and controlling execution of their duties were under the attention of the state and its responsible bodies.

Last year, preventive measures on eliminating problems and shortcomings in provision of road safety were continued.

Along with the above-mentioned, the Main Traffic Police Department officers were subjected to disciplinary actions due to groundless stopping drivers. Moreover, there were taken measures for improving the work in the given sphere.

According to official information, 697 police staff members were punished for different violations. 39 of them were suspended from service in internal affair agencies, 20 – were dismissed from their position.

187 complaints submitted to the Commissioner in 2011 reflected the cases of rude treatment of drivers by the Main Traffic Police Department. It should be mentioned that in comparison with 2010 this year the complaints in this sphere raised up 14,7 percents. The Commissioner took measures in connection with these complaints. It should also be pointed out that the analysis of these complaints demonstrates that serious measure must be taken for eliminating a number of existing problems in relevant area.

Combating corruption. The most influential instrument for fighting against corruption is respect to rule of law and observance of its requirements by officials within state bodies and citizens.

In his closing speech which was delivered during the meeting of the Cabinet of Ministers conducted on 16 January and dedicated to the results of socio-economic development in 2011, the President of the Republic of Azerbaijan stated: “The Combating corruption and bribery must be continued with utmost severity. In 2011 we did a lot in this regard. But we should do even more in 2012. This struggle should never stop, it should be waged permanently. This struggle has good results, but they can be better still. We will apply punishments, administrative and institutional measures. We will conduct system transformation”.

According to official information, during 2011 the Anti-Corruption Department of the General Prosecutor's Office of the Republic of Azerbaijan carried out a number of significant measures on efficient provision of human rights, elimination of their violation and restoration of violated human rights. In order to eliminate law infringements revealed while investigating complaints received via "Hotline" service, appropriate appeals were sent to the Ministry of Labor and Social Protection of the Population, Ministry of Transport and the State Committee on Property Issues. As a result, disciplinary punishments were applied on a number of employees, and the implementation of necessary measures in this regard was provided.

Along with that, the information on violations related to corruption as well as circumstances which might lead to criminal liability revealed in work of the regional social protection centers of the Ministry of Labor and Social Protection of the Population was submitted to the Commission on Combating Corruption of the Republic of Azerbaijan.

For eliminating circumstances that might lead to committing a crime with regard to cases the investigations on which were completed within appropriate agencies, 58 appeals were sent to the following bodies: Penitentiary Service of the Ministry of Justice, the Center for Working with Municipalities within the Ministry of Justice, Azerbaijan Bar Association, Ministry of Internal Affairs, State Fire Service under the Ministry of Emergency Situations, Ministry of Education, Azerbaijan Teachers' Institute, Lankaran State University, Ministry of Agriculture, Ministry of Ecology and Natural Resources, State Treasury Agency under Ministry of Finance, Ministry of Labor and Social Protection of the Population, Forest Development Department under the Ministry of Ecology and Natural Resources, head of a number of other bodies and organizations, executive power bodies of Tartar and Lachin rayons and other structures. On the basis of these appeals a number of employees were subjected to disciplinary actions; appropriate measures set forth in the legislation were applied on the others.

In her previous annual reports the Commissioner proposed to simplify the process of obtaining information from state and local self-governance bodies by citizens, civil society organizations and mass media. In this regard huge importance should be attached to the "State Program on Development of Communication and Information Technologies in the Republic of Azerbaijan in 2010-2012" – "Electronic Azerbaijan" program being implemented and promoted upon the Presidential Order

as well as to the Presidential Decree of 23 May 2011 on “Some Measures on Provision of Electronic Services in the State Agencies”.

The implementation of this Program will provide people with the opportunity to obtain electronic version of necessary documents or information via appropriate websites. Along with that such measures as the preparation of an action plan for subsequent years to ensure transparency in the activities of government agencies and combating corruption as well as ensuring the provision of electronic services by government agencies pointed out in the Articles 3.3 and 3.4 of the National Program for Action will speed up the promotion of transparency in the activities of state bodies and elimination of circumstances leading to corruption.

Furthermore, the recommendations were provided for preventing artificial obstacles to the development of entrepreneurship and elimination of unnecessary interference into the work of entrepreneurs. The preparation of law “On Regulation of Inspection in the Sphere of Entrepreneurship and Protection of Entrepreneurs’ Interests” will serve for this aim.

Moreover, the implementation of measures on application of “one-window” system in organization of various sphere of economy as well as on enlightenment of population, including entrepreneurs, are also considered to be subjects of outmost importance.

Fight against corruption is among priority sphere of Commissioner’s objectives.

Last year there were submitted 797 complaints on corruption and bribery cases, what is for 30,6 percents less than in 2010.

This comparison indicates the work on combating corruption carried out by state bodies in accordance with the tasks set up by the President of the Republic of Azerbaijan in his speech delivered during the meeting of the Cabinet of Ministers dedicated to the results of socio-economic development in 2010 and future objectives for 2011. This demonstrates that the fight against corruption does not have the character of campaign but rather is carried out in a systematic manner.

Along with the information on illegal acts and violations committed by officials the complaints submitted to the Commissioner also reflected the cases of discontent about some state bodies and organizations responsible for ensuring legality, legal regulations as well as citizens’ legal interests and rights.

When the complaints on corruption acts committed by state officials were confirmed after the Commissioner's in-depth investigations, the prosecutors' offices as well as local departments of executive power bodies, if they are involved in violation, were directly addressed for punishing guilty persons in accordance with the legal acts. It should be mentioned that these issues are kept under the attention of the Commissioner.

The Commissioner sent 103 inquiries to the prosecution system in connection with complaints on corruption and bribery cases. In compliance with official information of the Office of the Prosecutor General, 21 complaints were resolved; 11 were submitted to the court via the State Prosecution Defense Department for ensuring objectiveness of court decisions. Moreover, it was cancelled to start criminal proceedings with regard to 43 complaints, but criminal cases were initiated on 23 complaints and investigated. The investigation of 5 complaints is still being continued.

These complaints reflected the cases related to and emerging during situations listed below: non-registration of documents in registry and notary offices; purchase or rental of land; "self-willed" construction of buildings; receiving references from housing bureaus, which do not prove their worth as administrative facilities, or administrative-territorial representations of local executive power bodies and, district committees in some areas; assignment of addressed social aid; defining the degree of disability in medical-social experts commissions; obtaining ID cards and other necessary documents; in healthcare facilities (especially in maternity hospitals, surgical interference treatment, etc.); in higher and specialized secondary education facilities, secondary schools and kindergartens; local agencies of the State Register of Real Estate; and in state traffic police. The appointment of several persons under one personnel unit also creates condition for corruption.

During previous years, the attention was concentrated on bribery cases having place in military commissariats as well as inappropriate examination of young persons of conscription age by medical commission of military commissariats. It was recommended to strengthen the control in this sphere and take necessary measures.

By the way, it is considered that liquidation of military commissariats by the Presidential Decree and the establishment of the State Service for Mobilization and Military Induction contributed to elimination of existing negative situations and provision of transparency.

The Commissioner, who considers ensuring transparency in every sphere of social-economic life as a serious factor for fighting against corruption, proposed to take structural measures within the housing and communal sector and as a result liquidate this sector and oblige its functions to municipalities. Also, the Commissioner recommended to reestablish the work of medical and social expert commissions as well as to improve the mechanisms of identification and assignment of addressed social aid. A special importance should be attached to measures on re-establishment in appropriate sphere.

Along with other state bodies representatives the Commissioner was also involved to the preparation of plan aimed at ensuring the sustainability of Action Plan on implementation of the National Strategy on Increasing Transparency and Combating Corruption for 2007-2011.

It should be accepted that arbitrariness of state officials lead to new violations and serious discontent of the population.

One of the important problems providing base for corruption are bureaucratic obstacles created by state bodies, agencies, facilities and organizations during the process of receipt, register and provision of complaints of citizens or their applications or supplementary documents. The appropriate step forward in such cases serves for improvement of governance.

Fight against human trafficking. 178 complaints on domestic violence cases were submitted to the Commissioner during 2011. Inquiries were sent to the legal-enforcement agencies with regard to these complaints, and appropriate investigations were conducted.

Basing on the notion that domestic violence is mainly viewed as intrafamily conflict of civil character, police officers do not usually interfere into such cases. However, police should consider these cases as the ones resulting in crime and take immediate preventive measures, register and control the conflict families, increase attention towards appeals on violence as well as widely use mediation for reconciling family members.

The Commissioner was extremely attentive to these cases and took appropriate measures for restoring violated rights.

Upon the Commissioner's task staff members of the Institute visited temporary detention isolator of the Department on Struggle against Trafficking in Human Beings of the Ministry of Internal Affairs, met with detained persons and conducted face-to-face conversations, examined their detention conditions and treatment. The detained persons were also explained their rights and provided with appropriate recommendations.

According to official information of the Ministry of Internal Affairs, during 2011, of all 69 revealed facts on human trafficking 20 persons were brought to criminal liability. The majority of 28 victims of these crimes were placed in the shelter.

All victims were provided with medical and psychological assistance, necessary food and clothing. Lump sum payments were given to 28 victims during the rehabilitation and reintegration period. 21 of victims were provided with cash assistance from the Support Fund for Human Trafficking Victims. At the same time 15 of victims were provided with work, the other 13 were involved to vocational trainings.

The cases of early and non-official marriage of teenage girls, their pregnancy, domestic violence towards them, as well as their incitement to sexual relations and prostitution must be prevented in a systematic and organized way.

It is important to increase the sense of responsibility among parents, take measures for preventing situation in which children become victims of relationship and conflicts between parents, as well as prepare and implement programs for rendering financial and moral support to mothers engaged in work and bringing up of children.

Basing on the results of analyses and investigations, the Commissioner provided the following recommendations:

- Enhance the enlightenment activities on human rights and gender equality among women;
- Conduct seminars and trainings in various areas of the country;
- Prepare and disseminate educational resources;
- Advertise healthy national and moral values and traditions;
- Organize free legal consultations for women;
- Strengthen the social protection of young families;

- Prepare and promote the programs against violence towards women and girl children;
- Increase employment of women;
- Take measures to prevent school dropout by girls as well as early marriage cases;
- Investigate and strengthen the control over the state of children brought up in orphanages and boarding schools and adopted through the deinstitutionalization program.

In previous reports the Commissioner proposed to raise minimum age of marriage for girls up to 18 years-old. Among others this recommendation contributed to amending the Article 10.1 of the Family Code (in accordance with the Law of 15 November 2011) and thus defining 18 years as the legal minimum marriage age for women.

For timely restoration of violated rights or prevention of violations the Commissioner proposed to organize staged fight against domestic violence against women; use preventive methods for eliminating domestic violence; carry out explanatory work in communities; conduct monitoring and investigations for revealing domestic violence cases; create data bank; provide financial, moral and psychological aid to women, including girls under 18, subjected to domestic violence; implement these measures parallel to activities on combating domestic violence against children.

By the way, according to the Decision of the Cabinet of Ministers of on 19 December 2011, the “Rules on Registration of Persons Committing Domestic Violence and Conduction of Educational-Preventive Activities for These Persons” and “Rules on Creation and Organization of Data Bank” were adopted.

In previous annual reports the Commissioner recommended to adopt the law for preventing domestic violence. Although the Law of the Republic of Azerbaijan “On Prevention of Domestic Violence” was adopted, but the absence of its implementation mechanism results in deficiency of real outcomes.

There is also a need to speed up the process of the ratification of the Council of Europe “Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse” as well as the adoption of the law “On Protection of Children from Corporal Punishment.

During all events, especially meetings with local population, the representatives of the Commissioner brought to attention of the audience that in majority of cases children and women become victims of human trafficking. Also, they recommended people to inform the Ombudsman on cases of violence or rude treatment of children via the “hotline” number 916 functioning for 24 hours.

The observations demonstrate that the cases of attempts against family members or suicides emerging on the basis of above-mentioned intrafamily conflicts are increasing in the society.

One of the most effective tools for combating human trafficking is proper conduction of enlightenment activities in this sphere. Thus, in order to increase the efficiency of the fight against human trafficking, responsible state bodies, including the State Border Service, State Migration Service, Department on Struggle against Trafficking in Human Beings of the Ministry of Internal Affairs, specialized NGOs and mass media should act together within a network. At the same time, it will be appropriate to establish public watch group consisting of representatives of the mentioned network and other organizations.

a. Protection of Economic and Social Rights

Protection of labor rights. Considering that the “European Social Charter” has important role in social and economic development of our country as well as that the significance of reaching the compliance of the national legislation on the protection of labor and social rights with international standards, the Commissioner recommends once again joining the following articles of this Charter: on the right to just conditions of work (Article 2); the right to safe and healthy working conditions (Article 3), the right to vocational training (Article 10), the right to social and medical assistance (Article 13), the right of persons with disabilities to independence, social integration and participation in the life of the community (Article 15), the right of elderly persons to social protection (Article 23), the right to protection against poverty and social exclusion (Article 30), and on the right to housing (Article 31).

As a logical sequence of measures implemented by the Commissioner for ensuring human rights, Milli Mejlis (Parliament) of the Republic of Azerbaijan was addressed with the recommendation to speed up the process of the ratification of

the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

In the period of market relations as well as liberalization of economy a serious changes took place with regard to legal situation of employees. In such conditions the issues of labor rights, their provision and protection have special importance.

During 2011, the Commissioner received 1.246 complaints on the violation of labor rights. According to evaluation, the number of complaints submitted in 2011 in connection with labor rights is relatively higher than in 2010. Such cases as employment without signing labor contract; incorrect calculation or non-payment as well as partial or delayed payment of salaries; dismissal of employees by various ways; placing employees on long-term unpaid leave without their consent; non-provision of appropriate working conditions; non-issuance of work record card, copy of order and last payment; non-observance of safety rules and violation of labor protection conditions were reflected in these complaints.

As a result of activities and investigations carried out by the Commissioner, the violated rights of a number of employees were restored successfully.

Also, there were such cases related to the violation of labor rights when employees in order not to be dismissed from work kept silence on violation of their legal rights and thus were made to resign themselves to working conditions.

A number of employers urged the employees to leave the work "on their own will" without previous warnings. Leaving job by this way, such persons were deprived of compensation as well as the opportunity of in time search for a new workplace.

Important measures were taken and are continued in the sphere of reducing unemployment and labor provision.

According to official statistics, as a result of implementation of program on reducing unemployment, the employment rates increased and more than a million workplaces were opened. 94 thousand of these workplaces, 74 thousand of which are on a permanent basis, were opened in 2011. These changes resulted in a decrease of unemployment rate up to 5,4 percents. From 35,8 manats in 2003 the poverty threshold increased three times and in 2011 was equal to 106,9 manats. At the same time the poverty rate decreased from 44,7 to 7,6 percents during this short period.

In order to prevent the violation of labor rights by accepting to work without signing a labor contract, responsible state bodies should reveal employees avoiding to pay taxes or other fees and take appropriate measures in this regard. These actions will prevent avoidance of tax payment to state budget as well as lead to transparent labor conditions and assignment of official salaries what in its turn will ensure labor and social rights of people.

In addition, such cases as non-provision of work in compliance with specialization and provision by employment agencies as well as non-payment of unemployment allocations were also met among complaints. The Commissioner immediately interfered in each case and took successful measure for the restoration of violated rights.

For efficient provision of employers' rights, the Commissioner together with the Ministry of Labor and Social Protection of the Population, Azerbaijan Trade Union Confederation as well as National Confederation of Entrepreneurs Organizations should carry out monitoring in workplaces, especially in private facilities.

Right to social security. In 2011, the Commissioner received 1.235 complaints in connection with violation of the right to social security. 519 of them were related to violations emerging during the process of the assignment of state social assistance. 146 of these complaints reflected the cases of red tape faced by people in medical social expert commissions while defining disability degree as well as those related to incorrect assignment of disability degree.

The Commissioner implemented a number of measures for eliminating the shortcomings revealed during the investigation of the complaints. In a majority of cases, violated rights were restored.

It should be mentioned that the latest amendment made to the Law "On Labor Pensions" partially included the Commissioner's recommendation (provided starting from the first annual report) on coordination of the sum of pensions paid to persons belonging to similar category but retiring at different times.

Moreover, people who were not aware about new norms for calculating the pension reflected in the changes to the Law "On Labor Pensions" expressed their discontent in the complaints. As a result of investigations, the complainants were informed that the calculations were accurate; otherwise, necessary corrections were made.

Although a series of measures are being taken for efficient provision of human rights of people; the evaluation and investigation of complaints demonstrated that there are still observed some shortcomings in this field.

In accordance with official statistics of the Ministry of Labor and Social Protection of Population, 111 persons were reprimanded due to human rights violations; 28 persons were dismissed from their position.

During 11 months of the last year, monthly average salary was equal to 357 manats; monthly minimum salary was 85 manats – 23,8% of the average salary. Thus, gradual increase of minimum salary up to higher rates of monthly average salary can contribute to effective social provision of the population.

By the way, the Commissioner recommends to join the International Labor Organizations Social Security (Minimum Standards) Convention No.102 (4 June 1952) which defines minimum standards for medical care, sickness benefit, unemployment, old-age benefit, employment injury benefit, family, maternity, and invalidity benefit.

The state is carrying out significant measures for strengthening the social protection and improving the welfare of low-income population and vulnerable groups in need of special care. At the same time, it is considered that the steps on making these allowances compliant with real demand should be continued.

State addressed social aid. During 2011, the Commissioner received 519 complaints on violations related to the assignment and payment of addressed social aid. 54 of these complaints were submitted from Quba rayon, 30 –from Shaki, 17 – from Masalli and Khachmaz, 16 – from Lankaran, 15 – from Aghdam, 13 – from Kurdamir and Jalilabad, 12 – from Mingachevir, Aghjabadi, Astara and Gadabay, 10 – from Shirvan city, Absheron, Barda, Shabran, Shamkir, Sabirabad and Tovuz and up to 10 complaints from other rayons.

The evaluation of complaints as well as results of on-the-spot meetings with population demonstrated that a number of serious shortcomings were observed in the process of assignment of addressed social aid.

Complying with official information of the Ministry of Labor and Social Protection of Population, as a result of evaluation and investigations conducted in 55 organizations under the State Social Guarantees Service, including 49 centers on social protection of population and 6 medical treatment centers, it was revealed that

sum of extra and illegal payments are equal to 164.550,89 manats. 150.433,76 manats of this sum were reimbursed; the rest 14.177,133 manats could be refunded. In the consequence of investigations, 72 persons were reprimanded, 37 were informed on the shortcomings revealed in their work, 16 employees were dismissed from their position, and the case on 3 persons were sent to the prosecutor's office for investigating and taking further measures.

Furthermore, a number of complaints were submitted regarding such cases as misappropriation of funds due non-issuance of special cards for receiving social aid; non-informing people on the assignment of social aid.

The investigations carried out on appeals submitted for receiving support in applying to social aid showed that appropriate measures were taken for providing such assistance to low-income families.

The shortcomings faced in payment of social aids assigned to families by the centers on social protection of population were eliminated and appropriate sums were provided to target groups.

The observed law violations demonstrate that the relevant ministry should strengthen control over the work of local centers on social protection of population; public control should be applied in this sphere; officials who violate rights of people should be punished; and other influential measures should be implemented to eliminate deficiencies.

Basing on the results of evaluations, the Commissioner recommends to take following measures in this sphere:

- Improve the legislation; advance and simplify the list of documents necessary for assigning state addressed social aid;
- Not to take into account impractical stuff, including automobiles and spots improper for sowing, while conducting the list of property;
- During assignment of the ASA not to include the sum of allowances paid to disabled, old and other vulnerable groups of people (family's disabled and old people as well as others) of the family members to total sum of the general demand criterion;
- Train social workers;
- Increase the proficiency of employees.

Right to health protection. The development of our country has also had impact on the healthcare sector. During last year, dozens healthcare centers supplied with contemporary medical appliances and equipment were opened throughout Azerbaijan, especially in rayons.

There are more than 3000 children in our country suffering from blood diseases. A number of children suffering from heavy forms of haemophilia and thalassaemia as well as leukaemia need to be provided with emergency medical treatment and healthy blood.

The specialized center and blood bank created within the project “Homeland without Thalassaemia” upon the initiative and support of President of the Heydar Aliyev Foundation, UNESCO and ISESCO Goodwill Ambassador, Member of Parliament Mehriban Aliyeva assisted in treatment of ill and disabled children.

Last year, 347 complaints on violation of the right to health protection were addressed to the Commissioner. In majority of cases the Commissioner was asked to provide assistance in receiving state funded medical treatment or medical examination and treatment abroad, undergoing surgical operation as well as in provision of medicine.

Upon the appeal of the Commissioner, the Ministry of Health set the tasks to healthcare facilities for providing complainants with medical examination and treatment.

Some of the complaints were related to medical malpractice, cases of health deterioration and death of patients, including maternal and child mortality, due to negligent attitude to official duties and irresponsibility of medical staff and doctors. As a result of investigations carried out in this regard, several persons received appropriate punishments.

The complaints demonstrated the cases of irresponsibility and negligence of **some** doctors. It should be taken into account that mainly doctors are not brought to liability for maternal and child mortality.

The draft law on the protection of rights of patients should be announced on Milli Mejlis (Parliament) discussion and adopted as soon as possible.

Such issues as the protection of maternal and child right to health – as a part of national priorities on strengthening families, the importance of health for being active and supportive citizen for country and family, as well as health, especially reproductive health, of women giving birth to children have very significant role.

Differing from previous times, in maternity clinics or maternity departments of hospitals of both Baku and districts doctors, without existence of any threat to life of mothers, give preference to cesarean section operation for earning more money. Thus, it is appropriate to strengthen the control over the work of healthcare facilities and prevent provision of paid services not prescribed in legislation.

Along with the implementation of medical prophylactic measures for prevention of drug abuse, AIDS, hepatitis and tuberculoses, it is important to adopt and prioritized a state program for massive healthy lifestyle promotion under the motto “Let’s protect our health and future!”.

The Commissioner, who always pays special attention to the provision of rights of mentally diseased persons, conducted monitoring jointly with the chief psychiatrist of the Ministry of Healthcare Q.Garayzade in following institutions: Shorsulu Interregional Hospital of Neurology of the Salyan Central Hospital; Ganja city Hospital for Mental and Nervous Disorders; Qazakh and Shaki Interregional Mental Hospital; and Mingahcevir Psycho-Neurologic Dispensary. During visits the conditions and problems of these facilities were learnt. It should be mentioned that local psychiatrists also participated at visits. After monitoring the appropriate recommendations were sent to the Ministry of Health.

As a result, Chief Doctor of the Shorsulu Interregional Hospital of Neurology Yashar Karimov was dismissed from his position for shortcomings revealed in his work. At the same time, the measures are being implemented on the issue of moving interregional psychiatric hospitals from old building to more acceptable and specialized ones.

Right to education. The implementation of infrastructure changes for sustainable development of education system is a result of the attention of the state towards education.

Last year, the winners of competitions “The Best Secondary School” and “The Best Teacher” were granted on the occasion only 10.000 and 5.000 cash award respectively. Also, students who successfully passed admission exams for 2011/2012

academic year with highest results were awarded with the Scholarship of the country President. At the same time, from reserve funds of the President appropriate sum was allocated for constructing building for secondary schools in a number of places. Furthermore, the works on project on “National Strategy on Education Development for 2011-2021” as well as on Concept for identifying the work within education and healthcare facilities funded from state budget as related to the type of a special state service were initiated.

During 2011, within the State Program on social-economic development of Baku city and its rural areas, repair and restoration works in 47 kindergartens and 53 secondary schools were finalized. Further activities in this sphere have been continued.

According to official information, at the moment there are functioning 1.635 preschool education facilities covering 107.954 children. Averagely, 15,9 percents of children (23,4 percents in cities and 8,4 percents in villages) attend these facilities.

Provision of relevant education for under school-aged children stimulates their physical and psychological development. However, the number of state funded educational facilities for preparation for school as well as the quantity of children studying there is much lower than the number of under school-aged children. Such situation creates complicated problems in the given sphere. At the same time, functioning kindergartens are in need of repair works.

It should be noted that schools in some villages are not appropriate for education; several of them are in emergency situation.

Along with positive measures in the sphere of education, there are some shortcomings. Avoidance of education by a number of schoolchildren, especially girls, problems in attendance, and shortcomings in the process of education are serious issues that decrease the level of education at secondary schools.

Since in majority of secondary schools there were no professional psychologists, subject teachers attended special courses of professional retraining. However, the work was not organized properly what in its turn had negative impact on student-teacher and student-student relations.

Starting from 2010/2011 academic year the Ministry of Education introduced new school uniform which should be bought on individual budget. In this regard parents

expressed their discontent stating that the interests of low income families, especially large families, are not considered, and the uniforms are sold in limited places of Baku.

Started in 2010 upon the initiative of the Commissioner “Peer to Peer” hierarchical educational project basing on appropriate modules on child rights was successfully implemented in pilot secondary schools No. 5, 31 and 207 of Baku. In 2011, the project was successfully continued in a school of each of 11 districts of Baku as well as in Ganja city, Quba, Shabran, Jalilabad, Bilasuvar, Shaki, Qabala and Goygol rayons.

By the way, in accordance with the paragraph 4.4 of the National Program for Action 2012-2015, it is planned to implement measures “on advancing human rights education in specialized secondary and higher education facilities and on developing hierarchical education on child rights in secondary schools”. The Commissioner laid the basis for these activities as well as evaluated and supported the process of advancement of human rights education started upon her efforts.

Moreover, the Commissioner pays attention to the issues of children’s education, especially in boarding schools, and to their social protection. Upon the task set by the Commissioner, the Institute’s staff members visited and conducted monitoring in a number of facilities of the Ministry of Education, including orphanages No.1 and No.3. These activities were aimed at revealing cruel treatment of children, getting acquainted with their living conditions, nutrition and provision of healthcare within these facilities.

The recommendations on improving living conditions were submitted to the administration of the facilities, the results of investigations were sent to the Ministry of Education, and necessary measures were taken.

The Commissioner proposes to adopt a state program on continuation of education of children brought up in boarding schools and leaving these facilities upon reaching appropriate age as well as on their provision with places of residence and job.

In previous year, one of the main problems emerged in the sphere of education was discontent of students and their parents raised after the Ministry of Education cancelled the license of the Azerbaijan International University (AIU).

Non-provision of students which had graduated from this University with diploma and indefinite situation on the continuation of education were the main reasons for discontents. The serious infringement of the AIU was connected with admission of students at various years out of the State Students Admission Commission (SSAC). In spite of that, unlawful acts of the AIU in the educational process were not addressed seriously and only after continuous violation of many citizens' right to education its license was taken back.

The evaluation of students' knowledge by testing during exams and colloquiums is also considered to be appropriate.

Last year, 182 complaints on violation of the right to education were submitted to the Commissioner. Each of the complaints was investigated; monitoring was implemented in necessary cases. A number of problems in the sphere of education were assessed.

The evaluation of complaints demonstrated that in majority of schools the issue of relations between students and teachers was regulated. Unfortunately, some teachers still do not understand their role and responsibility in the process of development and education of new generation.

Last year, the interference of the Commissioner for restoration of violated rights reflected in complaints was successful and had positive results.

The discontent was raised due to improper conduction of educational process in some secondary schools, failure of school leadership to perform their duties effectively, and deterioration of teacher-student relationships. In a consequence of measures taken in this regard, due to shortcomings in their work a number of teachers received punishments.

Right to housing. Due to the number of population and families as well as demand in houses are gradually increasing, it is important to implement below-mentioned measures for ensuring the right to housing: to form housing policy considering the needs and real capacities of population; prepare and carry out concept and state program with a complex approach regarding the provision of housing, including the issue of resettlement of people living in old and unsafe apartments; provide mortgage loans on a sustainable basis as the most favorable method for solving housing problem.

The Commissioner once again proposes to improve the mechanisms of provision of people with places of residence and solve housing problem of many citizens through long-term society-directed mortgage loans appropriate to the earnings of low-income families.

One of the problems in the sphere of housing is related to illegal construction of buildings in Baku and its surroundings, which have been occupied by citizens not only during last 15 years but starting from the middle of previous century. The other side of the problem is related to inventory of such buildings in areas of permanent residence of people and to their registration.

It was proposed to speed up the state registration process of inventory of illegally constructed buildings in such Baku residential areas as "Alatava", "Zigh", "Vorovski", "Khutor", "NZS", "UPD", "Keshla" and "Yasamal" as well as in so called "sovkhozs" of Hovsan, Bina and Ramani. In observation of social-economic development of Baku city and surrounding settlements the country President set a special task for responsible bodies in this regard.

Another problem is connected with the buildings illegally constructed and given to rent by IDPs in various areas of Baku, especially in places of public importance, including "Yeni Yasamal" residential area.

It should be taken into consideration that these illegal buildings are constructed upon the non-official consent of the heads of housing maintenance areas, bodies of residential areas, executive bodies of districts and Baku city as well as municipalities.

The resolution of these problems will create opportunities to put an end to the hardship experienced by people as well as to restore and effectively provide a number of their rights (social provision, election, etc.).

Moreover, it should be pointed out that the complex measures of the state for eliminating the consequences of natural disaster of summer 2010 are being continued.

In accordance with the task set by the President, 2.974 individual houses covering, in general, 286.274 square meters of living space were built with the support of the Ministry of Emergency Situations starting from the September 2010. These houses were provided to the people of Sabirabad, Salyan, Saatli, Imishli, Zardab, Kurdamir, Hajiqabul, Neftchala, Beylaqan, Fizuli and Shirvan city who

suffered from floods. Construction works of 138 houses are still being continued. 58 of 90 planned social facilities were repaired and 28 were rebuilt and put in operation. Among these facilities were 6 schools for 1.130 schoolchildren, 3 kindergartens for 150 children, a library, 2 clubs for 274 people, water basin of 500 square meters, water reservoir of 250 cubical meters and others. Sustainable complex measures are being implemented.

During 2011, the Commissioner received 506 complaints on violation of the right to housing, including 129 complaints on damages occurred as a result of natural disaster.

It should be mentioned that in comparison with 2010, last year the number of complaints related to this sphere was lower. In previous years, the Commissioner visited regions affected by floods on rivers Kura and Araks and other natural disasters, met with local population, listened to their complaints and proposals, and provided recommendations on importance of taking emergency measures to responsible state bodies. These recommendations were taken into account.

In a number of complaints the Commissioner was informed on cases when a number of construction companies functioning in Baku, including "Nur-ay", "Mur-ay", "Gen" Ltd., "Birlik Inshaat" and "Khamsa-Inshaat", sold one apartment to several persons and misappropriated their money. In order to investigate these cases, the Commissioner addressed the prosecution authorities; criminal case was initiated on the facts.

Along with that, in a number of cases while privatizing hostels or service apartments within the balance of state-owned facilities, the rights of people living there were not taken into account.

By the way, in compliance with the recommendation of the Commissioner provided at the first year of the Institute establishment, during the privatization of the above-mentioned facilities people should be given an opportunity to privatize apartments of hostels (under the balance of these facilities) they were living in.

Cooperation with municipalities in the sphere of human rights protection.

Among complaints submitted to the Commissioner with regard to the given sphere a special attention was paid to the problem on lack of places of residence as well as to the cases of people in need of improved housing and living conditions and persons whose appeals on building new houses sent to municipalities were unanswered.

Last year, the Commissioner received 196 complaints in relation to municipalities. The following problems were reflected in these complaints: non-examination of appeals by municipalities; red tape; non-allocation of lands for building personal houses; illegal allocation of lands which are not included to the municipal fund, but are on the balance of state reserve fund and SOCAR or located under the areas of high-voltage lines, on gas lines or water pipes. For resolving the complaints the Commissioner sent 86 inquiries to the Center for Work with Municipalities of the Ministry of Justice, local justice departments and municipalities. Appropriate measures were carried out for the restoration of violated rights.

By the way, in accordance with official information of the Ministry of Justice on results of administrative control over the work of municipalities it was found out that following the recommendation on protection of human provided to municipalities rights 485 municipal acts were amended, 987 acts were eliminated, and claims on 36 acts were filed to the court. Moreover, in general 5.483,16 hectares of land were sold illegally; 4.278 hectares of them were returned back to municipalities.

The observations set a basis to claim that the budget of municipalities is formed by means of local taxes and sale of lands of municipal fund. However, no activities are implemented to replenish budget by means of creating agricultural objects and social-domestic enterprises as well as of carrying out various projects. Due to the lack of initiatives in this sphere, municipalities do not grant appropriate support to opening new workplaces, building of houses and development of infrastructure. That is why there appears the necessity of providing preferential loans for reviving weak municipalities. Along with that, in order to increase professional and legal training of municipal staff as well as guarantee the legality of decisions made by municipalities, the Center for Work with Municipalities of the Ministry of Justices should advance enlightenment courses and administrative control.

Complying with complaints it was revealed that at the time when the solution of the issue of housing provision is of utmost importance, people in need are subjected to negligent attitudes of municipalities, red tape as well as indifference towards their problems.

Right to property. During 2011, the Commissioner received 1.818 complaints on violation regarding the various types of property.

The complaints reflected such cases as destruction of property without court decision; non-provision of compensation for destroyed property; allotting lands where the houses are located to construction companies without consents of owners; non-issuance or non-replacement of state acts on land share; non-provision of the document on “Plan and Measure of Land Lots” for land shares or lands bought from municipalities.

In a number of complaints it was indicated that addressing local and regional departments of the State Register Service under the State Committee on Property Issues, people faced red tape, were not provided with extracts from state registers on their special properties, including house, apartment and land. The Complainants asked the assistance to restore their violated rights. The Commissioner took appropriate measures in this regard, and violated rights of a number of people were restored.

The complaints on violation of the right to property in above-mentioned cases can be prevented once people are provided with appropriate places of residence or land or are given adequate compensation as well as notified beforehand in order to resolve housing problem in time.

To resolve the problem of occupation of private houses, apartments and other buildings by IDPs and to restore violated rights of owners of warranted property, it was recommended to construct new residential buildings and move in the IDPs.

By the way, within the paragraph 1.4 of the Amendments to the “State Program for the Improvement of Living Standards and Increasing Employment of Refugees and IDPs” approved by the Presidential Decree “On Extra Measures for Improving Housing and Household Conditions of IDP Families” of 21 February 2011, it is planned to construct multistoried buildings in Baku, Sumqayit cities and Absheron rayon during 2012-2014 and move 1.210 IDP families (5.445 persons) temporarily settled in apartments belonging to other citizens of Baku and Sumqayit to these new buildings. This measure will contribute to resolving the problem.

Taking into account numerous appeals as well as level of social-economic development and financial state of the country, it was proposed to take measures for gradually returning deposits of former USSR Savings Bank saved in the Bank of the Republic of Azerbaijan to country citizens, primarily older persons. It was recommended to pay off savings placed into the Bank until 1 January 2012.

b. Protection of the Rights of Various Population Groups

Protection of rights of refugees and internally displaced persons (IDPs). For more than 20 years the Republic of Azerbaijan faces very grievous problem which is important to solve: it is a rare country where nearly a million of refugees and IDPS are living. At the moment, nearly a million of our compatriots - every ninth person of our population, live as refugee or IDP.

The Republic of Armenia does not fulfill appropriate resolutions of the UN Security Council and General Assembly and continues the occupation and terroristic policy towards Azerbaijan.

The state has been implementing measures aimed at solution of IDPs' problem on a sustainable basis. These measures were included in more than 30 state programs. 67 new settlements for refugees and IDPs were built in country cities and rayons, and more 100 of people moved into new houses. At the same time, 130 education, nearly 50 healthcare, dozens of cultural and communication facilities were also established, and appropriate infrastructure was created. Moreover, 83 thousand of IDPs were provided with work. The poverty threshold among IDPs was reduced by 18 percents.

Last year, the Commissioner received 601 complaints submitted by refugees and IDPs. The problems raised in complaints were related to violation of the right to appeal; provision with the place of residence, right to education, as well as to situations appeared during registration at apartments constructed for IDPs or their place of residence, provision with appropriate job, medical examination and treatment. Each of the complaints was reviewed carefully; necessary measures were implemented for the restoration of violated rights and solution of problems.

In 2011, the Commissioner paid numerous visits to various residential areas as well as settlements of IDPs, including Horadiz city of Fizuli rayon, "Qayidish" and Zobujuq settlements. During these visits, the Commissioner got acquainted with household conditions of IDPs, their difficulties and problems. She also examined education and healthcare facilities and provided relevant recommendations. For contributing to the solution of the problems revealed at these visits and meetings proposals were submitted to responsible state bodies; necessary measures were taken.

Furthermore, the Commissioner sent the statements regarding the Khojaly genocide and violence towards Azerbaijanis committed by Armenians at the Nagorno-Karabakh and surrounding areas to the UN Secretary-General, UN High Commissioner for Human Rights, UN High Commissioner for Refugees, Council of Europe, OSCE, International and European Ombudsman Institutions, Asian Ombudsman Association and Ombudsmen-members of these establishments, the Azerbaijan embassies in foreign countries and foreign countries' embassies in Azerbaijan as well as Azerbaijan Diasporas functioning in various states. At every international event and during the business trips to foreign countries, the Commissioner and the Institute's staff workers distributed the literature, statements and disks on these tragedies faced by our nation.

Protection of prisoners' rights. As a result of amending the Criminal Code and Code on Execution of Punishments, "special facilities" where people to "restriction of liberty" punishment were closed up, and hundreds of prisoners were set free. Thus, one of the Commissioner's recommendations was implemented.

According to the Commissioner's order, specialized observer functioning on social basis was appointed among Institute's staff members for regulation of the work on protection of prisoners' rights.

A number of visits were paid to prisons of the Penitentiary Service of the Ministry of Justice, including closed prison in Qobustan. During these visits dormitories, medical units, canteens, libraries and clubs of these facilities were examined. Also, meetings with persons detained in punitive isolators and prison cells were organized.

Relevant recommendations were given to the heads of these facilities in order to eliminate revealed shortcomings. In necessary cases, recommendations were addressed to the Ministry of Justice, including to the front office of the Penitentiary Service. In majority of cases, necessary measures were taken with regard to recommendations, and shortcomings were eliminated.

Special attention was paid to women and under-age prisoners. Sufficient support was provided to resolving their problems.

After the Commissioner submitted her recommendations on conducting monitoring in the Penitentiary Service Prison, the head of the prison Kazim Abdullayev received severe reprimand due inappropriate execution of duties and

shortcomings in the work and afterwards was suspended from service. At the same time, a group of prison's staff members received serious notification.

Moreover, following the Commissioner's recommendations on eliminating shortcomings observed during a visit to the prison No.5, the head of the facility Faiq Qulaliyev and the senior inspector of Operation Department Chingizkhan Balayev were suspended from justice bodies due to serious violations committed during execution of official duties, inappropriate organization of guidance in the facility and failure to provide observance of rules on execution of punishment. At the same time the deputy head on operation and regime Hatam Asgarov was dismissed from his position.

According to official information, 232 staff members of Penitentiary Service were subjected to disciplinary liability, and 35 employees were suspended from justice bodies. Also, the heads of prisons No. 2, 4, 5, 6, 7, 9, 10, correctional facility, investigatory isolators No.2 and No.3 as well as precinct type prison stations No. 2, 7, 8, 9, 12 were dismissed from their positions; some of them were suspended from service in justice bodies. It should be mentioned that the recommendations of the Commissioner were considered in a number of these cases.

Last year, the Commissioner received 851 complaints from prisoners and members of their families. The cases reflected in complaints were investigated, and measures were taken on the restoration of violated rights.

In 2011, taking into account significant dates and occasions, especially 20th Anniversary of the independence gained by our state, the Commissioner addressed Milli Majlis with recommendations to adopt 10th Order on amnesty. Along with that, on the eve of "10 December – International Human Rights Day" and "31 December – World Azerbaijanis' Solidarity Day" the recommendations on granting pardons were submitted to the President of the Republic of Azerbaijan. The latter recommendation was provided.

At various times the Commissioner addressed to the Pardon Issues Commission under the President of the Republic of Azerbaijan sending numerous motions.

Totally, since the first day of her activity, on the basis of the Commissioner's motions 351 prisoners were pardoned, including 25 persons pardoned in 2011.

The measures on application of alternative punishments used in international practice towards persons infringing the law as well as on further humanizing of the legislation in this regard are being implemented.

Protection of the right of military servants. Necessary measures were carried out by the state for improving social protection of military servants, their housing and household conditions. According to the Presidential Decree, it was decided to allocate apartments from state budget for military servants who served in the Armed Forces during 20 calendar years and demonstrated irreproachable performance.

At various times, the Commissioner and the Institute's staff members visited military units, disciplinary military units, guardhouses of military police bodies and delivered speech to officers and soldiers. Also, the state of military servants, especially termed military servants, was observed and monitored on the spot. The state of ensuring the rights of military servants as well as their social-household condition were examined. At the end, appropriate recommendations were provided.

In 2011, the Commissioner received 887 complaints from military servants and their family members as well as from reserve and resigned military servants.

Mainly, the complaints were submitted with regard to the following cases: provision of military servants with housing; increase the compensatory amount allocated to them for renting apartments; release servants from military service in time; out of charter cases emerging as a result of violation of disciplinary regulations; red tape; violations during defining the eligibility for military service; as well as non-provision of military service record cards and the "war veteran" status.

Military management bodies, especially Military Commissariat and Military Draft Commission, ensuring the implementation of military draft should pay attention to the quality of the draft to military service. The shortcomings in examination of military age young people lead to unnecessary waste of the sum allocated from the budget to provide medical treatment.

Last year, due to bribery and abuse of office military commissars of Binaqadi, Surakhani and Khatai Districts of Baku and Sumqayit were detained; criminal cases were initiated for investigating their violations. Military commissars of Nizami District of Ganja city, Astara and other rayons were suspended from their positions.

The adoption of the Law of the Republic of Azerbaijan “On Military Duties and Military Service” in 2011, liquidation of military commissariats in compliance with appropriate Presidential Decree as well as establishment of State Service for Mobilization and Conscription of Azerbaijan will create conditions for eliminating shortcomings in the given sphere and ensuring transparency.

Moreover, in majority of cases the appeals of people submitted to the Central Archive of the Ministry of Defense were not responded or answered with delays what contributed to red tape. Numerous complaints on the violation of human rights on this matter were successfully resolved.

The Commissioner considers appropriate to create and implement legal mechanisms for carrying out measures on strengthening rule of law and legal norms in military management bodies as well as increasing sense of responsibility of military officials through the establishment of a public control mechanism over army taking into account appeals submitted to responsible state bodies and those reflected in previous annual reports.

Protection of women’s rights. At the moment, women constitute 50,4 percents or 4 million 656,3 thousand of the population of the Republic of Azerbaijan.

Measures on evaluation of existing situation in the society and on achieving gender equality; issues related to women’s rights, education of women and their health; as well as the general position of women in social life are among main directions of the Commissioner’s work. From this point of view, along with investigation of cases on gender stereotyping and discrimination reflected in complaints the measures are also implemented on examination of political, social, family-related, reproductive health and other issues making the core of gender of equality.

The Commissioner and the Institute’s staff members together with representatives of civil society conducted trainings and seminars on gender equality, domestic violence, human trafficking, early marriage and other topics for women living in rural areas and villages. As a result of intensive enlightenment activities, hundreds of women were informed on their rights and provided with free legal consultations.

Regular meeting and educational activities are conducted in female prison of the Penitentiary Service of the Ministry of Justice. During meetings the problems, living

and labor conditions, health and psychological state are learned, as well as complaints and appeals are received and investigated.

The Commissioner cooperating with the State Committee on Family, Women and Child Issues, appropriate ministries, other state bodies, international organization, NGOs, mass media and representatives of civil society support the promotion of women's rights.

The Commissioner implements broad activity on the issues of violence against women, including strengthening the fight against domestic violence, provision of workplaces to women suffering from such problems and gender equality in general. Considering that the protection of the right to maternal and children health are among national priorities, the attention of state bodies, NGOs, members of parliament, various UN bodies and society was directed to gender equality as a part of Millennium Development Goals.

All of these issues were also considered during the First Phase (2005-2009) of the UN World Programme for Human Rights Education and included into the Second Phase (2010-2014) of this initiative.

It should be mentioned that the National Action Program has defined new directions and concise duties on the implementation of women's rights what creates wide opportunities for sustainable protection and promotion of women's rights.

The activity of the Commissioner in the sphere of women's rights was evaluated as best practice by the UN Treaty Bodies, Council of Europe and other international organizations.

The German Institute for Human Rights highly evaluated the work of the Commissioner in this sphere and addressed her to provide proposals and comments on the Draft Convention on Preventing and Combating Violence against Women and Domestic Violence. The recommendations on amending articles 1, 9, 17bis and 24 were prepared and submitted. The following amendments were provided:

- provide women with a tool that can enable them to protect their rights by submitting claims of violations of rights protected under the Convention to the Council of Europe (Article 1);
- Parties shall pay special attention to the dissemination of the Convention and conduction of awareness raising campaigns in rural areas, settlements of refugees and IDPs, as well as among minority groups (Article 9);

- offer the victims psychological assistance necessary for their rehabilitation (Article 17bis);
- include new term “economic abuse” (Article 24).

These recommendations and comments were reflected in the Draft Convention in a coherent way.

The complaints submitted by women to the Commissioner during last year were related to such issues as provision of martyrs’ families with housing; ensuring freedom of religion; labor rights; receipt of alimonies and execution of court decision; domestic violence; rights on education, property, health protection and free entrepreneurship; provision of social aid and others.

In 2011, the Commissioner received 3.251 complaints related to problems of women. 352 of these complaints were related to the rights to appeal; 194 – to alimonies; 38 – to labor issues; 216 – to addressed social aid; 369 – social provision; 17 – to free entrepreneurship; 50 – to education; 545 – to property issues; 439 – to housing; 30 – to rape cases; 603 – to violations of judicial rights; 44 –to benefits; 108 – to health; 88 –to the violation of the right to compensation; and 146 – to domestic violence. 1.231 of these complaints were provided. 178 among complainants were disabled persons and 146 were refugees and IDPs. Majority of these complaints were resolved upon the Commissioner’s appeal to various state bodies.

Protection of child rights. The first specialized report on child rights of the Commissioner was submitted to appropriate state agencies and international organizations. It was also placed on the website of the International Network on Child Rights of European Network of Ombudspersons for Children (www.crin.org) having broad database in the sphere of child rights.

The complementary report which included Commissioner’s proposals and recommendations on the state of the implementation of the Convention on the Rights of the Child in the country and solution of existing problems of children was prepared and submitted to the UN Committee on the Rights of the Child.

Like every year, in 2011 the “Child Rights Month-Long Campaign” was carried out. Upon the appeal of the Commissioner, a series of activities, roundtable discussions, trainings, seminars and school competitions were implemented in country cities and rayons.

Last year, 537 complaints, including those submitted via 916 “hotline service”, were sent to the Commissioner.

The complaints related to non-payment of alimonies; education; protection of health; violation of the right to the protection of honor and dignity; prevention of early marriage and domestic violence; non provision of birth certificate; bribery cases in kindergartens and schools; indifferent attitude of police; red tape; court proceedings on division of the apartment between husband and wife without considering the right of a child to housing were thoroughly investigated. Appropriate measures were taken in order to restore violated human rights.

The appeals on involvement of children with congenital illness to at-home individual education program; continuation education in appropriate schools in connection with family situation; and on provision of school uniform were resolved with the support of the Commissioner. Along with that, it was proposed to increase benefits paid to the parents or legal representatives of children involved in special schools for covering transportation costs to special educational facility, health and rehabilitation centers and medical facilities.

The Commissioner has also received the complaints on the right of children to life due to irresponsibility of doctors and low level of their professional training. As a result of investigations, persons infringing this right were punished.

It would be appropriate to adopt the “Program on Encouragement of Medical Staff Involvement to Healthcare Facilities Located in Villages” for increasing the professional level of doctors.

Furthermore, the assistance was granted for receiving state funded medical examination and treatment as well as for provision with medicines. By the way, the adoption of the Draft Law “On Reproductive Rights” is of outmost importance.

The NPM group paid regular visits to facilities for children in order to prevent violence. Necessary measures were implemented in this regard, and offenders received appropriate punishments. During the visit to the boarding school No.7 for children with mental disorders of the Ministry of Labor and Social Protection of the Population located in the Saray settlement, it was revealed that this institution is functioning in accordance with the Regulation “On Boarding School for Disabled Children” written in Russian and approved by the Ministry of Social Provision the Azerbaijan SSR in 1978. It was recommended to replace this Regulation with new one

complying with contemporary standards of our independent republic, conduct prescription to boarding schools in accordance with regulation and profile provided to these facilities by the mentioned ministry and to reach compliance with norms on care.

Moreover, after visits to orphanages No.1 and No.3, it was proposed to appoint new therapeutics, neuropatologists and psychiatrists on a full time basis as well as taking into account heavy workload of nurse, aides and baby-sitters to provide them with appropriate salaries.

It is important to speed up the ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and the adoption of the law “On Protection of Children from Corporal Punishment” prepared by the Institute with the support of the UNICEF and submitted to the Milli Majlis (Parliament) in 2009. Along with that, there is a necessity to take measures on increasing responsibility of parents.

It must be mentioned that children should not be victims of relations and disputes between parents during divorces and other intrafamily conflicts.

In accordance with Action Plan for 2011-2012 signed with the UNICEF, in order to get acquainted with the state of children with health-related disabilities the investigations and evaluation of national legislation were conducted within the project; the recommendations and proposals were submitted.

In March 2011, the Commissioner addressed the statement on the murder of F. Badalov by Armenian aggressors to the UN Special Representative of the Secretary-General for Children and Armed Conflict Radhika Coomaraswamy. Also, the appeal in this regard was submitted in July of the same year by the representatives of the Azerbaijan Child and Youth Peace Network – Commissioner’s resource center on child rights.

With contribution of the Commissioner’s recommendations, starting from 2010 the European Network of Ombudspople for Children (ENOC) has been implementing the project named ENOC Network of Youth Advisors (ENYA). The members of this Network Commissioner’s specialized adviser on child rights participated at the meeting conducted in Strasbourg (France), Warsaw (Poland) and Belfast (North Ireland). During these meetings, a specialized adviser shared the information on the victims of Armenian aggression and terror 9-year-old boy Fariz

Badalov and 13-year-old girl Aygun Shakhmaliyeva and called all participants to peace.

Besides, it should be mentioned that last year, the hierarchic program on child rights was successfully implemented in one school of Quba, Shabran, Jalilabad, Bilasuvar, Shaki, Qabala, Ganja and Goygol rayons.

The paragraphs on the promotion and protection of child rights as well as on the improvement of hierarchic program on child rights at secondary schools were included to the National Program for Action.

In order to more efficient implementation of an independent monitoring mechanism on child rights, it would be appropriate to take into account the concluding observations on Azerbaijan of the UN Committee on the Rights of the Child and to establish structural division on child rights within the Commissioner's Institute. In this regard necessary additions and amendments should be made to the Constitutional Law.

Protection of old persons' rights. On the eve of the 10th anniversary of the Madrid Action Plan, the Commissioner proposed to increase attention towards older persons, support them to benefit from equal human rights, provide protection of their rights as well as respect their dignity.

The demographic indication of aging observed in our country raise new issues within families, society, labor market, healthcare and education. The consideration of these factors in state programs can provide strong basis for sustainable development.

Being guided by the principles of Madrid Action Plan the Commissioner works on the preparation of a new draft state program on the protection of rights of older persons.

In order to solve social problems of older persons and properly provide domestic services, the Commissioner recommended to increase the number of employees of social service, place wider beds in the Bilgah assisted living facility for disabled war and labor veterans, as well as build new section. At the moment, the measures are being taken in this regard.

The Commissioner attaches importance to the solution the issues of legal and financial responsibilities of persons whose parents are placed in homes for the old as well as to the assignment of social aid to lonely older people having no ability to take of themselves. It should be mentioned for comparison that the amount of the social aid is much lower than the payment required in the homes for the old.

For increasing the quality of domestic service provided to lonely or physically disabled persons, it is recommended to create daytime service areas, allocate appropriate place in cities and rayons for this purpose, effectively organize leisure time of older persons, and establish catering facilities near residential areas and provision of food free of charge.

It would be appropriate to study and disseminate information on the activity of the “Resource Center for Older Persons” and the Azerbaijan Child and Youth Peace Network established upon the Commissioner’s initiative and serving for creating bridge between generations, mutual trust, respect and attention.

The recommendations of the Commissioner on establishing database for systematic evaluation of the state of education of older persons and improving the statistics were approved and are being implemented.

Protection of rights of disabled persons. In order to solve problems of people belonging to this group and forward their integration to the society, the Commissioner implemented numerous activities, submitted proposals to relevant state bodies and thus could resolve these issues in majority of cases.

Previous year, people with disabilities, children with health-related disabilities or their parents submitted 717 complaints to the Commissioner. 56 of them were related to property issues, 13 – to labor related problems, 45 – to protection of health, 2 – to education, and 82 – to the violation of the right to appeal.

The analysis of complaints demonstrates that disabled people face red tape and arbitrariness during the assignment of social benefits and disability degree at Medical-Social Expert Commissions. In some cases the commissions do not accept documents without any reason, make controversial or non-objective decision. There were also mentioned facts of bribery.

In order to assist people to receive notification (form No. 88) from medical-preventive facilities for defining disability degree, the Commissioner addressed

Ministry of Healthcare and the Ministry of Labor and Social Protection of the Population. In a number of cases violated rights were restored.

The Commissioner and the Institute's staff paid regular visits and conducted monitoring in facilities of the Ministry of Health, Ministry of Labor and Social Protection of the Population, Ministry of Education and Ministry of Justice. They got acquainted with the state of disabled persons, their conditions and social problems as well as addressed responsible people with the recommendation on solving the problems related to the provision of health and education problems of people with disabilities. Significant measures were taken on legal enlightenment of disabled persons, elimination of any discrimination towards them and other infringements.

In majority of cases, the appeals in connection with medical examination and treatment of disabled women and children were resolved by the Ministry of Healthcare.

Also, activities on fulfillment of obligations set forth in the UN Convention on the Rights of Persons with Disabilities continued. Complying with the Article 33.2 of the Convention, States Parties shall maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the Convention. For fulfillment of these obligations, the recommendations of NGOs covering disabled people and representatives of state bodies were taken into account and the Commissioner was declared as national human rights institute implementing the functions of independent monitoring mechanism.

According to the Action Plan for 2011-2012 signed between the Commissioner and local office of the UNICEF, the activities on monitoring of the Convention and preparation of complementary report are being continued within the project titled "Support to the Ombudsman Office". As a part of this project surveys on the state of children with health-related disabilities were conducted, and appropriate report was prepared.

In previous annual reports the Commissioner proposed to adopt new state program considering the provisions of the Convention. It should be mentioned that the Ministry of Labor and Social protection of the Population prepared the "State Program on the Social Protection of Disabled Persons for 2012-2015" and its Action Plan as well as draft "Rules of the Preparation and Implementation of Rehabilitation

Program for Disabled Persons and Children with Health-Related Disabilities”. The Commissioner’s recommendations on the improvement of the Action Plan were reflected in the project. On the basis of appeal of the Ministry, it was proposed to prepare new series of recommendations for improving drafts of the State Program and the Rules.

The Commissioner together with the Azerbaijan Union of Disabled People and with the support of the Council of State Support to NGOs under the President of the Republic of Azerbaijan conducted round table discussion titled “Labor rights of Disabled Persons: Problems and Perspectives” and dedicated to “May 5th – European Day on the Protection of the Rights of Persons with Disabilities”.

Chapter 2

Activities of the Commissioner in the Field of Legal Education,

Scientific-Analytical Work and International Relations,

Cooperation with Civil Society and Mass Media

2.1. Education on human rights

Activities directed at children, people with disabilities, older persons, military servants, refugees, IDPs and detainees as well as reflecting various spheres of human rights, including fight against AIDS and drug abuse, were continued last year.

The work on implementation of measures implied by the “National Action Plan on the Protection of Human Rights of the Republic of Azerbaijan” was carried out. As a logical continuation of the Plan the National Program for Action was set.

Initiated by the Commissioner’s recommendation, the course on “Human Rights” has been taught at bachelor and master classes in the Baku State University for three years.

Hierarchic education on child rights proposed by the Commissioner was successfully implemented in three schools of Baku during 2010, and this process was underway in 2011 as well.

Children, parents and representatives of facilities working with them were involved in trainings. The Institute’s staff members conducted meetings at secondary schools located in rayons, in orphanages and boarding schools as well as with families.

Within the Twinning Project implemented jointly with the German Institute for Human Rights capacity building trainings on “Child Rights” and “Rights of Disabled persons” were conducted with participation of students having internship at the Institute.

Moreover, in cooperation with the Population Fund there were organized conferences titled “Population Ageing: importance of using the potential of older persons” as well as exhibition of children’s paintings and photos on “Old ages in the eyes of children” and journalists articles competition. Moreover, education leaflets titled “World population is getting older” were disseminated.

Last year, from May 18 to June 18 “Human Rights Month-Long Campaign” dedicated to “18 June – National Human Rights Day”, from August 21st to September 21st “Peace Month” and from October 20 to November 20 “Child Rights Month-Long Campaign” were implemented all over the country.

Series of events were organized with relation to significant days in the sphere of human rights, including “20 June – World Refugee Day”, “1 December – World AIDS Day” and “Remembrance Day for people who have died from HIV/AIDS”. State

agencies, facilities and organizations as well as communities were involved to these activities.

Sustainable activities on the protection and promotion of human rights conducted upon the Commissioner's initiative and with the participation of state bodies, NGOs, mass media, communities and international organizations contribute to the formation of human rights culture, spread of legal knowledge, achieving positive results and informing of population groups. These activities also increase the opportunities on obtaining necessary experience in the sphere of human rights.

2.2. Scientific-analytic work

The Commissioner recommended that the state should ratify the following international treaties and documents:

- International Convention for the Protection of All Persons from Enforced Disappearance (61st session of the General Assembly, 20 December 2006);
- European Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse;
- Protocol 9 of the Convention on Long-range Transboundary Air Pollution (The Convention was ratified by the Law No.291-IIQ and reflected in "Extra measures on the issues implied by international conventions and treaties on the protection of the environment signed by the Republic of Azerbaijan" approved by the Presidential Decree of 30 March 2006);
- Articles 2, 3, 10, 13, 15, 23, 30 and 31 of the European Social Charter;
- Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
- European Convention on Preventing and Combating Violence against Women and Domestic violence.

Moreover, the Criminal, Criminal Procedure, Execution of Punishments, Civil, Civil Procedure, Administrative Offences, Labor, Family and Housing Codes, Laws "On Access to Information" and "On Psychiatric Aid" as well as "Charter on Garrison and Guard Services of the Armed Forces of the Republic of Azerbaijan" and "Exemplary Charter on Special Open and Closed Type Education Institutions" were monitored. Recommendations were prepared and provided to appropriate state bodies.

The surveys were sent to the Constitutional Court for examining compliance of Articles 316 and 1193 of the Civil Code and Article 384.1.4 of the Civil Procedure Code as well as the paragraph 2.13 of the Regulations on “Rules of exam holding for issuance of driving license” with the Constitution of the Republic of Azerbaijan.

2.3. Cooperation with civil society and mass media

Relations with civil society and cooperation with NGOs. Last year, the relations of the Commissioner further cooperation with civil society organizations and society which have special significance. Independent Expert Council consisting of representatives of state bodies and NGOs played an import role in developing this cooperation.

During 2011, the Commissioner conducted numerous events dedicated to various aspects of human rights with the participation of representatives of state bodies, NGOs and communities. Conferences, seminars and round table discussions on such topics as “The Role of Ombudsman in the Protection of Child Rights”, “Azerbaijan and Council of Europe: cooperation in the sphere of human rights”, “Copyright, Cultural Rights and Human Rights: Armenian hypocrisy”, “The Role of the State Bodies and NGOs in the Protection of Child Rights and Cooperation with the Ombudsman in This Sphere”, “Population Ageing and the State of Older Persons: Obligations, Perspectives”, “Human Rights in Independent Azerbaijan: legislative base and execution mechanisms”, “Measures on Eliminating Poverty in the Republic of Azerbaijan and the Protection of Human Rights”, “Population Ageing: importance of using the potential of older persons” and on “European Social Charter” could contribute to building effective dialogue, sharing proposals, opinions and recommendations.

Like every year in 2011 a number of educational activities, including round table discussions and meetings, were conducted in cooperation with population groups, civil society organizations and communities.

In order to monitor and evaluate the implementation of activities reflected in the National Program for Action, it was planned to continue public hearings – one of

important ways of the Commissioner's communication with the communities and various groups of the society effectively applied during previous years.

Cooperation with mass media. The Commissioner attaches special importance to the mutual relations with mass media. In this regard the press service of the Institute has built close cooperation with media as well as with National Television and Radio Council, Press Council, State Support Fund for the Development of Mass Media under the President of the Republic of Azerbaijan, Public television and radio as well as journalist organizations. Along with creating information banks on mass media, the articles on human rights topics published in newspaper were monitored.

In accordance with amendments and changes to the Constitutional Law, the Commissioner was granted with the competence to implement control over the fulfillments of obligations implied by the Law of the Republic of Azerbaijan "On Access to Information". In this regard the Commissioner has conducted consultations with representatives of mass media, state bodies holding information and NGOs as well as well-known experts.

Furthermore, the Commissioner together with the European Union and Council of Europe carried out seminar on "Access to information".

The Commissioner was decorated with an order of "Kind mother" of "Dada Qorqud" National Foundation and International Journal "World of Azerbaijan".

Generally, there were published 8.121 articles and information, including 621 published in 2011, in newspapers and journals. 2.585 press releases, including 305 ones published in 2011, were published since the establishment of Institute. More than 300 press releases were translated into English and sent to the Council of Europe.

Throughout the Institute's activity the Commissioner has prepared 41 statements in connection with the tragedy of 20 January, Khojaly Genocide, anniversaries of Shusha, Lachin and Kalbajar occupation, "31 March – Azerbaijanis' Genocide Day", "21 September – International Day of Peace" as well as with regard to the murder of nine-year-old Fariz Badalov by Armenian soldiers, that were sent to the numerous influential international organizations and Ombudsmen institutions in different countries.

There were nearly 250 television and radio broadcastings about the activity of the Commissioner. Video library consisting of about 550 video records and 170 audio tapes reflecting important events of the Commissioner's work was created within the Institute. 82 issues of monthly information bulletin, including 12 issues of 2011, were prepared and placed on the Institute's website.

The official website of the Commissioner was advanced; appropriate sections on the new competences of the Commissioner were added.

Moreover, journalist article competitions on "Old ages in the eyes of society" and "Rights for everyone!" as well as children painting and photo competitions on "Old ages in the eyes of children" and "Me and my rights" were carried out. All the winners were granted certificates and cash prizes.

2.4. International Relations

The Commissioner has built cooperation with the UN and its treaty bodies, Council of Europe, OSCE, European Union, International Ombudsman Institute, Asian Ombudsman Association and a number of embassies of Azerbaijan in foreign countries. At the same time, the Commissioner improved the cooperation with foreign colleagues.

At the conference of the Asian Ombudsman Association conducted on 2-8 December 2011 in Tokyo, Japan the Commissioner sounded the proposals on perspectives and priorities of future cooperation. Also, upon the decision of the AOA General Assembly the Commissioner's Institute was selected as institutional member of the Association.

Upon the initiative of the Commissioner, attaching special importance to the cooperation with foreign colleagues, there were signed eleven agreements on cooperation, including the last one signed with the Republic of Moldova in 2011. This serves as an influential measure on the protection of rights of our citizens in those countries and their citizens in our country.

In 2011 the Commissioner received representatives of numerous embassies and international organizations as well as well-known experts. During these meetings, various issues, including the protection of human rights in our country; the

Commissioner's role, efforts and activities on the restoration of violated human rights and freedoms; joint ways of problem solution; future cooperation with these organizations; current situation in our country and others, were broadly discussed.

It should be mentioned that, last year the Commissioner and the Institute's staff members participated at 44 international events, get acquainted with international experience and shared information on the work of the Institute, measures and successful results achieved in our country, existing problems and their elimination.

In 2011, the Twinning project titled "Support to the Improvement of the Capacity of Commissioner's Institute and Increasing Enlightenment on Human Rights and Discrimination" was implemented with the support of the European Union.

The project on "Partnership for Human Rights" in the frame of the "Eastern Partnership" Cooperation Program for 2009-2013 was carried out jointly with the Ombudsman of Poland with the support of the Ministry of Foreign Affairs of this country. The project was related to such issues as national preventive mechanism, assistance to crime victims, fight against discrimination and problems that may threaten human rights in the context of usage of new technologies.

The Commissioner also participated at the discussion and presentation of the research titled "Support to the Cooperation between Ombudsperson of Eastern Partnership Countries" organized by the European Parliament Sub Committee on Human Rights.

The Commissioner actively participated at the European Union Program "TAIEX" conducted in our country and carried out a seminar on "Strengthening Opportunities of Regional Centers of the Commissioner's Institute".

Within the framework of "Eastern Partnership" and Twinning Projects activities with regard to the national preventive mechanism were implemented jointly with the European Union and European Parliament.

Conclusion and recommendations

In 2012 it will be 10 years since the Institute was established upon the election of the Commissioner for Human Rights of the Republic of Azerbaijan. The Institute is going to reach its ten-year anniversary.

As each year, last year the Commissioner worked in close cooperation with state bodies, civil society organizations, mass media sources, international organizations and foreign colleagues. The work of the Commissioner has always been based on principles of independence, openness, transparency, legality, fairness and impartiality. Definite part of recommendations targeted at the solution of problems of various groups of the population were implemented and found their reflection in numerous legislative acts.

The Commissioner's recommendations were considered in the "National Action Plan of the Republic of Azerbaijan" approved by the Presidential Decree of 28 December 2006 and directed at defining national strategy on human rights and setting priorities. In order to coordinate activities considered within the Plan, monitor and evaluate its promotion and implementation, as well as to prepare reports, the Commissioner, as the head of the Working Group on coordination of NAP implementation, carried out a series of public hearings in every city and rayon of the country with participation of Milli Mejlis (Parliament) deputies, local organizations of central state bodies, local executive bodies, courts, prosecutors' offices, police bodies, municipalities, election commissions, NGOs, local communities, IDPs, national minorities and mass media representatives.

As a logical sequence of the mentioned process, in accordance with the Presidential Decree of 27 December 2011, the "National Program for Action on Increasing Efficiency of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan" was approved. This Program was adopted with consideration of Commissioner's proposals and new priorities for providing sustainable activities on increasing the efficiency of the protection of human rights and freedoms, developing legal culture and improving normative-legislative base and legal protection system. The Commissioner was recommended to lead the activity of the working group on coordination of the implementation of the National Program for Action.

The National Program for Action has already been discussed and supported by state bodies, NGOs, mass media and representatives of various groups of the population.

As a result of amendments and changes made to the Constitutional Law, the Commissioner was granted the competence to implement the functions of the national preventive mechanism and to carry out control over the fulfillment of requirements of the Law of the Republic of Azerbaijan “On Access to Information”. This measure contributed to the independence and advancement of the competence of the Commissioner.

According to the Commissioner’s recommendations aimed at increasing the efficiency of the protection of human rights and freedoms and provided in annual reports as well as submitted to the competent state it is recommended to:

- *Make amendments and changes to the Law of the Republic of Azerbaijan “On the Rule on Reviewing Appeals from Citizens” and Code of Administrative Offences for defining the liability of officials who violated the rules on reviewing proposals, petitions and complaints of citizens as well as persecuted them for critiques;*
- *Add the Article on in time registration of complaints and applications submitted by citizens to state bodies, agencies, facilities and organizations to the Law of the Republic of Azerbaijan “On Reviewing Appeals from Citizens”;*
- *Develop and improve the structure of the National Preventive Mechanism through adjusting it to international standards and requirements of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol;*
- *Make the Article 133 (“Torture”) of the Criminal Code of the Republic of Azerbaijan compliant with the Article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;*
- *Exclude the Article 448.5 from the Criminal Procedure Code taking into account that this Article contradicts to the Article 127 of the Constitution of the Republic of Azerbaijan;*
- *Exclude the appropriate part of the paragraph 1.3 of the “Instruction on Rules on Protection and Convoy of Persons Detained in Temporary Detention Isolators by Police Bodies” approved in accordance with the Order No.428 of the Minister of internal affairs dated 6 November 2001 and registered by the Ministry of Justice under No.2721 on 15 November 2001 due to contradiction with the Article 157.3 of the Criminal Procedure Code of the Republic of Azerbaijan;*
- *Apply alternative methods of punishments and establish a mediation institute;*
- *Speed up the process of adoption of the draft law on juvenal justice;*
- *Improve the application mechanism of provisions of the Law of the Republic of Azerbaijan “On Access to Information” by staff members of relevant structures of state bodies holding information; creation of the online information*

collection (register); and advance the work of appropriate information structures;

- *Improve the legislation for elimination criminal liability for defamation;*
- *Speed up the process of approval of the Protocol 12 (Rome, 4 November 2000) of the European Convention for the Protection of Human Rights and Fundamental Freedoms (it was signed by the Republic of Azerbaijan on 12 November 2003);*
- *Approve the following articles of the European Social Charter: on the right to just conditions of work (Article 2); the right to safe and healthy working conditions (Article 3), the right to vocational training (Article 10), the right to social and medical assistance (Article 13), the right of persons with disabilities to independence, social integration and participation in the life of the community (Article 15), the right of elderly persons to social protection (Article 23), the right to protection against poverty and social exclusion (Article 30), and on the right to housing (Article 31);*
- *Accelerate the process of ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights adopted by the UN General Assembly's Resolution No.63/117 on 10 December 2010;*
- *Join the International Labor Organizations Social Security (Minimum Standards) Convention No.102 (Geneva, 4 June 1952);*
- *Make appropriate change to the Article 5 of the Law of the Republic of Azerbaijan "On Social Benefits" (7 February 2006, No. 55-IIIQ) for providing disabled children under 18 with both allowances for disability as well as for the lost of breadwinner;*
- *Add the provision considering the allowances "for persons taking care of children under 18 having I disability degree or health-related disabilities" to the Article 4.0.1 of the Law the Republic of Azerbaijan "On Social Benefits".*
- *Establish social rehabilitation centers and places of temporary residence for ensuring social protection of children deprived of parental care, family and street children;*
- *Advance living conditions, food and treatment fees of mentally diseased patients as well as to improve attitudes towards them through reaching compliance with the European Minimum Standards; provide effective treatment and rehabilitation; increase the number of medical staff, their professional training and salary;*
- *Adopt special program on continuation of education of children brought up in boarding schools and leaving these facilities upon reaching appropriate age as well as on their provision with places of residence and job;*
- *Make additions related to "gender budget" to appropriate legislation for broadening entrepreneurship activities and economic opportunities of women;*

- *Establish psychological and social rehabilitation facilities for providing women and child victims of domestic violence with free legal, psychological and healthcare services;*
- *Take into account the concluding observations on Azerbaijan by the UN Committee on the Rights of the Child and to establish structural division on child rights within the Commissioner's Institute for more efficient implementation of an independent monitoring mechanism on child rights; make necessary additions and amendments to the Constitutional Law "On the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan";*
- *Make amendments and changes to the Constitutional Law on declaring the Commissioner as an independent institute fulfilling the functions of promotion, protection and monitoring of the implementation of the Convention on the Rights of Persons with Disabilities implied by the Article 33.2 of the Convention;*
- *Exempt military servants from income taxes paid by physical entity;*
- *Review the amount of cash compensation defined in accordance with the Decision No.171 (13 July 2006) of the Cabinet of Ministers of the Republic of Azerbaijan on "Defining the Amount of Cash Compensation Provided to Military Servants (military students having families) for Temporary Apartment Rental";*
- *Review the Decision No.187 (27 November 2001) of the Cabinet of Ministers on "Defining the rule on amount and payment of expenses on temporary apartment rental of military officers discharged from the service due to age limit, diseases, staff reduction (minimum 5 calendar years of service) and resignation or placement in reserve considering family condition, warrant officers and midshipman, actual military servants exceeding the period of service (serving for 15 or more calendar years)";*
- *Conduct technical inventory of unwarranted buildings in appropriate residential areas and resolve the issue of state registration of these buildings;*
- *Conduct sustainable education activities in specialized facilities for preventing cases of the violation of the right to protection of honor and dignity, violence and rude treatment;*
- *Carry out sustainable enlightenment seminars for educating police on treatment rules during meetings and gatherings, including legal practical skills on managing the situation during mass gatherings using legal control mechanisms and without applying violence;*
- *For efficient provision of employers' rights, the Commissioner together with the Ministry of Labor and Social Protection of the Population, Azerbaijan Trade Union Confederation as well as National Confederation of Entrepreneurs Organizations should carry out monitoring in workplaces, especially in private facilities;*

- *Considering opportunities of low-income families, to create state funded legal consultations in cities, rayons and IDP settlements of the country;*
- *Carry out necessary legal awareness-raising activities among the population with regard to duties and competence of administrative-economic courts created as a logical sequence of judicial-legal reforms;*
- *Considering that the penalty from 20 to 40 manats implied by the Article 310.1 of the Code of Administrative Offences for limiting legal competence of the Commissioner or interference to Commissioner's activities has formal character and it is not an effective tool, to review this amount and define it taking into account real situation;*

The Commissioner complements existing legal protection means, functions within the competence provided by the Constitutional Law and builds the Institute's activity based on the principles of publicity, transparency, legality, justice and impartiality. As in all previous years, in 2011 the Commissioner strived for the development of human rights. The Commissioner's recommendations and proposals served for effective provision and protection of human rights.

It can be confidently stated that the attitude towards legal education and culture as well as notion "human rights" has formed in a new way in our society. Also, the relations of representatives of state bodies, civil society organizations and persons whose rights were violated towards human rights was positively changed. By the way, upon the Commissioner's initiative the course on "Human Rights" is taught as a separate subject in the Baku State University. At the same time, the work on professional skills for Master of Laws students was launched.

Another truth is that shortcomings, difficulties and cases of human rights violations are still present. In order to eliminate them and increase the efficiency of human rights protection, specific duties and mechanism of their joint implementation are included to the National Program for Action.

The achievements gained in almost ten years demonstrate that cooperation with state bodies, municipalities, civil society organizations and mass media in the sphere of human rights should be developed and improved.

Thus, the proposals, recommendations and reviews of the Commissioner on efficient provision of human rights and freedoms, their protection, restoration of violated rights as well as on the prevention of violations addressed to state bodies

should not be kept aside. They should be considered, and necessary measures should be taken in this regard without delays.