



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

2019 ANNUAL REPORT

**of the Commissioner for Human Rights
(Ombudsman) of the Republic of Azerbaijan
on the protection of human rights in Azerbaijan**

Baku– 2020



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The Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan submits an annual report to the President of the Republic of Azerbaijan not later than 2 months after the end of each year and speaks with that Report before the Milli Mejlis (Parliament).

The Annual Report is submitted to the Cabinet of Ministers of the Republic of Azerbaijan, the Constitutional Court of the Republic of Azerbaijan, the Supreme Court of the Republic of Azerbaijan and the Prosecutor-General of the Republic of Azerbaijan.

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INTRODUCTION

Ensuring human and civil rights and freedoms, as well as a decent life for citizens is the supreme goal of the state.

The social environment and rate of stability in the society define the situation of protection of rights and freedoms in the country. Therefore, the solution of social, economic, public, and political challenges firstly associated with the sustainable development of human and civil rights and freedoms at the national level. The Constitution and national laws of Azerbaijan, international documents, to which the State is a party, including the United Nations (UN) International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights focus specifically on this.

Changes that occurred at national and international levels significantly depend on the understanding of the essence of human and civil rights. In accordance with the modern challenges and innovative requirements, the transition of civil-state relations to the next and new stage in our country is a manifestation of the sustainable development of human rights.

Improving good governance, strengthening the public control over the activities of state bodies, and further active involvement of civil society organizations (CSOs) in this process play a great role in increasing trust in governmental agencies with a view to observing the principle of rule of law, ensuring the legal equality in society, creating equal opportunities for all, eliminating the discrimination, ensuring cooperativeness, dynamism and sustainability and accountability.

The establishment of social state principles in society is an important step towards making all individuals being benefited from each success that contributes to deepening public-state relations and the reliable protection of human rights.

Social and economic reforms, including population-based social support projects and implementation of state programs for social-economic development of regions, significantly stimulated the creation of thousands of new workplaces and increasing the minimum amount of monthly salary, social allowances, and pensions that facilitated by the solution of social problems and effective ensuring decent life to every person, citizen and human rights as a whole.

Those reforms that are essential for improving and strengthening the human rights protection system at the national level are enshrined the in the Constitution of Azerbaijan and international treaties, to which our state is a party, as well as further empowered the Ombudsman to restore the human rights violated by the state and municipal bodies and officials and to prevent violation of human rights.

The Ombudsman carried out a comprehensive work and took various measures for human rights protection in cooperation with state bodies, CSOs, mass media, communities, and international organizations within the respective mandate given by the Constitutional Law.

The Ombudsman received 25.500 applications in 2019, representing a 25% increase compared to last year.

A total of 3.013 persons were received by the Ombudsman and staff members, including the Regional Centers while being in the office and in meetings with population groups, living in refugee settlements, located in different cities and districts of the country, and during the monitoring and visits carried out to penitentiary institutions, investigation isolators, temporary detention places, detention centers for irregular migrants, military units, military guardhouses, social-care institutions for children, persons reached the retirement age and persons with disabilities (PWDs), boarding homes, health and education institutions.

The applications have been reviewed within a time limit provided by the Constitutional Law and responded in writing.

The applicants have been given legal advice and explanations of forms and methods of human rights protection and how to appeal to other competent bodies on various issues both in reception and through a letter.

The Ombudsman has implemented a range of awareness-raising events on protection and promotion of human rights to increase the legal culture, enabling citizens to better understand the forms and methods of human rights protection, expanding and increasing their legal skills in a regular manner.

The Ombudsman and staff members of the Central Office and its Regional Centers reported and made speeches on various human rights topics, participated in discussions, and sharing experiences on current issues and problems in different international events.

Ensuring the right of persons to appeal in time and in manner prescribed by law allows solving problems with other rights interlinked.

This should be specially noted that the President gives strict instructions to the officials on prompt consideration of applications and complaints of persons during meetings with population groups and community members in different cities and districts of the country and always keeps that under the control.

In his closing speech at the conference dedicated to the results of the fourth year of implementation of the State Program on Socio-economic development of

regions in 2014-2018, the President of Azerbaijan, Ilham Aliyev said: *“All civil servants- from the President to a low-level official, everyone should know that our primary duty is to serve the people”*.

Reception by the heads of central executive authorities of citizen's in various cities and districts of the country, regular meetings with the population by heads of local executive offices, and local structures of central state authorities as well as learning their problems on the spot are essential. Such meetings and receptions, based on direct communication with the population allow promptly identifying and overcoming defects and problems.

In general, the analysis of the applications gives rise to say that the actions addressing to effectively protect and ensure human and civil rights and freedoms, to restore and prevent human rights violations, to take necessary relevant preventive measures, regular meetings with population in order to solve complaints on time as well as to become familiarize with identified problems on the spot and make proposals, should be continued.

The process of execution of the relevant measures, in particular, strengthening the control over the activities of the local executive bodies, together with developing and further improving the institution of public control in state bodies are the calling of the present era.

The results of the activities, carried out through the year show that state bodies and municipalities should increase particular attention to the consideration of appeals transferred by the Ombudsman within the time limit specified by the Constitutional Law and to prompt review of the cases stated in the complaints in order to reliably protect and effectively ensure human and civil rights and liberties.

It is also necessitated to take actions for consideration and execution of the Ombudsman's recommendations and suggestions attentively that have been formulated in the process of the analysis of appeals, submitted to the competent state bodies, including those indicated in the Annual Reports.

Any valuable opinion or recommendation is to be made to the present Annual Report that creates a certain idea of the situation of the protection and ensuring human and civil rights and freedoms at the national level would be an enormous contribution, thereto.

I CHAPTER

ACTIVITY IN THE FIELD OF PROTECTION OF HUMAN AND CIVIL RIGHTS AND FREEDOMS

1.1. PROTECTING CIVIL AND POLITICAL RIGHTS

Right to liberty. The right to liberty refers to the ability of a person to act in accordance with his will and without any restrictions.

The Constitution of Azerbaijan guarantees the right to liberty. Everyone lawfully present within the territory of Azerbaijan may freely move, choose the place of residence, and leave the territory of Azerbaijan. Therefore, the state protects and ensures its enforcement using various methods, *inter alia* through issuing passports and registration.

Having an identity card (ID) enables a citizen to move without restrictions, to enforce his rights, including the right to appeal to the state bodies, enterprises, offices and organizations, local self-governing bodies with his inquiries and recommendations.

As a result of undertaken actions, dealing with the appeals incoming from cities and districts regarding ordinary passport and ID cards, registration at the place and current place of residence, the violated rights of citizens have been restored.

With interventions of the Ombudsman to the competent bodies, a number of citizens have been registered in the administrative buildings of the police departments and provided with ID cards as persons without a place of residence in accordance with the paragraph 1 of the Decree No. 55s of the Cabinet of Ministers of the Republic of Azerbaijan, dated April 9, 2003.

One of the conditions violating the right to free movement is impediments to obtaining birth certificates for newborns.

Failure to promptly registering these newborn babies and obtain birth certificates for them creates obstacles in ensuring their rights, giving them by the Constitution.

In accordance with the paragraph 2.5. of the Rules of State Registration of Acts of Civil Status, approved by the Resolution No. 145 of the Cabinet of

Ministers of Azerbaijan, dated October 31, 2003, in order to obtain such a certificate in together with other required documents, an applicant must submit a birth certificate of a newborn, providing information about the fact, time and place of the birth issued by the medical establishment. However, it is not possible to provide birth certificates for newborns, who were born in some rural hospitals of the country that has not an electronic signature.

Failure of competent bodies to solve promptly the problem precludes providing birth certificates and ID cards for newborns. It is essential, therefore, to provide rural hospitals across the country with an electronic signature to enable them to provide newborn babies with such a medical document on time with a view to preventing the violation of the right to freedom of movement of newborns and providing them with birth certificates within a reasonable time specified by the law.

Article 1 of the Hague Convention Abolishing the Requirements of Legalization of Foreign Public Documents (Apostille Convention), to which Azerbaijan is a party, specifies that the State shall certify the authenticity of the documents emanating from an authority or an official connected with the courts or tribunals of (including public documents) in his territory through apostille (special stamp) in order to be accepted in the territory of another Contracting State.

In accordance with the paragraph 2.22 of the Regulation on the implementation of “the Law on the identity card of the citizen of the Republic of Azerbaijan” approved by the Presidential Decree No. 3 of October 23, 2013, in order to have an ID card for the first time, a national of Azerbaijan must have a birth certificate.

Under Article 9.3 of the Migration Code of Azerbaijan, a citizen’s right to exit the country can be temporarily restricted in some cases, *inter alia*,

- when s/he is arrested or any measures of restraint is applied to him/her following Criminal Procedural Code of Azerbaijan until release, expiration or cancellation of the measure of restraint and when there is a valid court decision on the temporary restriction of the right of a citizen to exit the country due to the reason of unjustified non-execution in the time limit set for voluntary execution of the writ based on the court judgments, orders and administrative acts of the tax authorities to meet timely monetary requirements until a decision is made lift the restriction (9.3.6);

- and due to the failure of the citizen to pay to the state budget the arrears and interest on the assessed taxes, the financial sanctions applied, the taxpayer’s failure to fulfill the tax obligation within the timeframe established by the Tax Code until a decision is made to lift the restriction (9.3.6-1).

Article 9.6 of the Migration Code states that information on the citizens whose right to exit and enter the country is restricted shall be entered into the restrictions lists of the interdepartmental automated data research system “Entry-exit and registration”, and after the elimination of the relevant grounds, the active status of that information shall be changed.

Taking account of the above mentioned, Ombudsman recommends including a new sentence to Article 9.6 of the Migration Code about the necessity of notifying citizens from the moment of inclusion of information about citizens into the list of restrictions of the automated information research system “Entry-exit and registration” in the following wording:

“The information on the citizens whose right to exit and enter the country is restricted shall be entered into the restrictions lists of the interdepartmental automated data research system “Entry-exit and registration”, and after the elimination of the relevant grounds, the active status of that information shall be changed. The citizens shall be notified as soon as possible, but no later than 24 hours in all cases when the information on citizens was entered into the restrictions lists or the active status of that information has been changed.”

The Ombudsman has taken actions for ensuring the rights of aliens, whose rights to freedom of movement, for whatever reason, were violated.

The Constitution laid down that the right to liberty may be restricted only in accordance with the procedure prescribed by law, by detention, arrest, or imprisonment.

The Ombudsman and staff of the Office in various times, regularly conducted numerous monitoring of the places of temporary detentions (TDP) of city and district police offices, departments and units under the Ministry of Internal Affairs of Azerbaijan, Detention Center for Administratively Arrested Persons, TDP and Investigation Isolator of the State Security Service, investigation isolators of the Penitentiary Service under the Ministry of Justice, and State Migration Service Detention Centers for Illegal Migrants on a regular basis.

The persons detained in TDPs and investigation isolators were met in private; cells were checked; and their detention conditions and treatment of them by the facility staff, accessibility to a lawyer and medical assistance, food supply, walks, visiting and telephone calls, and ensuring the other rights of him in a capacity of a person arrested were monitored, and the documentation, confirming the lawfulness of the detention was checked.

The detained persons, as a rule, have been given legal advice concerning the issues raised about the investigation procedure as prescribed by the law; they

have been explained rights; taking account of their appeals, when it was deemed necessary, the Office of the Prosecutor-General, Ministry of Internal Affairs and Ministry of Justice and other competent state bodies have been sent relevant inquiries and carried out investigations; and every person has been responded in writing.

The right of persons detained in both, TDPs and investigation isolators to meet with their lawyers and legal representatives in private and without any limitation on the number and timeframe, has been ensured; moreover, responsible officials have been given recommendations about the conditions and documentation in every place monitored and the officials in charge have been explained the requirements of the legislation.

In the course of the monitoring of TDPs and investigation isolators, it was discovered that the detention conditions have been improved year after year and treatment of the detained persons and these places have met the standards set by the laws.

During the conversations with the TDPs and investigation isolators' staff, they have been given recommendations on the necessity of paying special attention to ensuring human rights and freedoms and inadmissibility of unethical behavior and cruelty against persons detained by the detention facility staff, and on how to further improve their work in this regard and to eliminate the existed deficiencies.

Monitoring were carried out in TDPs and investigation isolators based on the information provided in appeals to the Ombudsman, including those given during receptions or provided by hotlines. The cases indicated in complaints have been checked on the spot and were taken appropriate measures. Simultaneously, the findings of the monitoring were delivered to mass media.

Analyses of the outcomes of the visits show that the significant reforms have been taken for strengthening the promotional work on ensuring human and freedoms of persons in places of deprivation of liberty, for eliminating the overcrowding in TDPs, ensuring the access to health service and following the sanitary rules.

Right to honor and dignity. Everyone is entitled to protect his honor and dignity.

The right to honor and dignity is based on respect for human rights. The State secures the right to dignity and is responsible to protect every person against any threats while ensuring this right. No circumstances can justify the humiliation of the dignity of a person.

The appeals about the violation of the right to honor and dignity, primarily raise a concern of violations of ethical conduct rules by high-rank officials of state authorities, local executive bodies and officials and staff of the facilities against citizens, ill-treatment of persons detained and who are under investigation. However, almost all these cases were not accepted in the responses of the competent authorities, to which the Ombudsman appealed to investigate the above-mentioned cases.

The 24/7 hotlines, including the line used for law violations and the helpline “916” used for child rights violations, established in the Ombudsman Office with a view to effectively organize the preventive work against torture, other cruel, inhuman, degrading treatment and punishment. The relevant information was continued to be received via hotlines. The inquiries incoming by these hotlines have been immediately reacted and relevant investigations have been conducted and of course, appropriate measures were taken urgently.

Preventing violations of the right to honor and dignity by the high-rank officials and staff increased the confidence in the rule of law and justice and trust in state agencies.

The activity of the Ombudsman the field of prevention of torture, and other cruel, inhuman and degrading treatment and punishment in the capacity of National Preventive Mechanism.

In 2019, the Ombudsman and her National Preventive Mechanism Group (NPG) members carried out 268 visits to the places, which persons cannot leave on their own will in order to evaluate the treatment and conditions, to examine incoming applications and documentation in those settings and to review the situation of ensuring the rights of these persons.

139 of those visits were carried out respectively to the Ministry of Internal Affairs, 44-to the Penitentiary Service under the Ministry of Justice, 34-to the Ministry of Education, 20-to the Ministry of Health, 11- to the Ministry of Labor and Social Protection of Population, 4- to the State Security Service, 3- State Migration Service, 1- Ministry of Defense, and 12- to the institutions under the local executive bodies.

During the visits held throughout the year, treatment of the detained persons, conditions, food supply, organization of recreation activities, access to meetings, telephone calls, and other rights were monitored.

By providing confidentiality, 1,445 individuals were met in a private manner in places, which persons cannot leave on their own will. The situation of ensuring their rights was monitored, the concerns raised have been heard, and their appeals (in relating to medical services, telephone calls, changing the facility, appealing

to investigation authorities, etc.) were investigated; and ensured. The appeals of persons received during the visits that were out of the NPM mandate, and those about marriage, child adoption, disability determination, and other issues were also ensured.

In those facilities, legal awareness-discussions were organized to develop the awareness of about 400 service facility staff. In the course of the visits, the administrations of the settings' and responsible officials created all necessary conditions for NPG members for monitoring. The recommendations made by the NPG members for eliminating the violations were taken into consideration.

The responsible central and local executive authorities were appealed concerning defects and shortages found during visits. Necessary recommendations were made for eliminating the difficulties until the next visits. The NPG members also reviewed on the spot the status of implementation of their previous recommendations.

The Ministry of Justice was appealed to take under its control the issues of overcrowding and detention conditions, to ensure access to necessary medical service, to prevent causes of negative cases, and to restore the infrastructure in the investigation isolations and penitentiary institutions.

This is also should be noted that as a part of legal reforms in penitentiary facilities there is a need to organize modern psychological and social services, to reform persons subjected to determinate and life-imprisonment sentences by involving them in social work and providing them with employment to earn a salary for covering their basic needs.

During the visits, this was revealed that the medical service and approach to the accused and prisoners with disabilities and mental retardations in penitentiary facilities were not appropriate. Thus, the facility isolated persons, suffering from mental retardations or whose illness has seriously changed his/her health state during the period of the sentencing, which caused deterioration of their condition. This fact consequently resulted in law violations and impede the work of the facilities.

Under the "Rules of medical certification of prisoners suffering from serious diseases preventing the imposition of punishment" approved by the Decision No. 4-N of the Ministry of Justice Collegium, dated November 29, 2011, prisoners are certified by the Commission based on the discretion of the penitentiary's medical service, or by the appropriate decision of the court. The observations show that this is essential to take immediate measures in the concerned area and to place persons of this category in specialized psychiatric institutions instead of penitentiary settings since, in general, this is not an effective experience.

When Ombudsman receives appeals about the impediments encountered by lawyers in their experience, she immediately intervenes with the matter. The Ombudsman Office provided access to lawyers to prevent any possible obstacles to the realization of their right to meet with their defenders. Thus, relevant inquiries incoming to the hotline directly by the lawyers were promptly investigated; and the violated rights were restored.

The information, provided through social networks and the internet concerning the physical pressure, detention conditions, nutrition of the detained and arrested persons, along with the cases reflected also in the appeals sent to the Ombudsman or the hotline was immediately acted.

Relevant investigations were conducted. The Prosecutor-General and Ministry of Internal Affairs were appealed and consequently, many cases have been positively solved. Sometimes, families, relatives, and/or lawyers addressing the Ombudsman with similar issues were reacted and so, those persons or their lawyers thanked for the co-operation.

The police offices, departments and units, and places, which persons cannot leave on their own will in all cities and districts across the country, were provided with the posters. Those posters provided the details about the 24/7 “hotline” of the Ombudsman to effectively organize the relevant work and strengthen the preventive measures against possible future events. Every call to the hotline was immediately taken into consideration and necessary actions were taken within the competences of the Ombudsman.

Throughout the year, consecutive visits were conducted to the health and social institutions, where children, PWDs, women, and the aged persons were randomly selected and met in private to identify the concerns about conditions and treatment. The situation of ensuring their rights has been also examined on the spot. Aside, the existed conditions, it has been assessed the accessibility to education, health, and social services, and the situation related to ensuring the rights. The responsible authorities were appealed to make progress in needs.

The quality and accessibility of services were monitored in the health care facilities of preliminary psychiatric treatment, along with the psychiatric institutions. Also, recommendations were put forward to overhaul those institutions and drove improvements in rehabilitation programs and material conditions.

In the frame of cooperation with the Academy of Justice under relevant Ministry, the candidates, are to be recruited to the middle management staff of the Penitentiary Service were delivered lectures entitled “Ombudsman’s visits to the penitentiary facilities in a capacity of NPM: in the light of national and international experiences”. Whereas, the candidates, who successfully passed the

interview for the Center of Forensic Expertise were given lectures on activity directions and NPM mandate. Alike, the candidates newly admitted to the Medical Service were informed about “The visits carried out to the medical-sanitary areas of the penitentiary settings of the Ombudsman in a capacity of an NPM: national and international experience.

The Ombudsman’s Annual Report on the activity of the NPM against torture covering 2009-2018 years have been printed out in the Azerbaijani and English languages. The NPM Reports were dispensed, placed on the official webpage of the Office. In addition to this, the tenth Annual Report for 2019 was also prepared. While preparing these reports, the Recommendations made to the Government of Azerbaijan by the UN Committee on the Rights of Child, Human Rights Council (*hereafter referred as HRC*) Universal Periodic Review (UPR) Mechanism, the Committee against Torture (CAT) and European Committee for the Prevention of Torture (CPT) were considered.

33 official news releases in Azerbaijani and English languages were placed on the official webpage of the Ombudsman in 2019. That news was spread out through mass media to make them publicly available. They were also submitted to the international organizations with intention of enlightening in the concerned area.

Right to access to information. Everyone is entitled to legally seek, receive, impart, produce, and disseminate any information

Everyone is entitled to freely seek, receive, impart, produce, and disseminate any information s/he needs, in any form and using all possible means prescribed by the law.

Ensuring the functional activity, management and the accessibility of webpages by the public bodies, taking enormous obligations is essential in the information society.

Mass media outlets take a great role in advancing the opportunities of dissemination of the information. Therefore, the significance of electronic media in effective ensuring the freedom of information is undeniable.

The national laws broadly provide norms about the right to information obtained through the usage of new information sources of public importance in the country. The steps that were undertaken at the national level for continuous integration to the universal electronic world, advancing e-government opportunities and ensuring the information security are commendable in terms of reliable protection of the right to access to information.

The actions realized for the implementation of various state programs and development of information-communication technologies (ICT) facilitated by the

more rapid integration of the country to the universal digital environment, the formation of new social and economic activity fields, development of a database of information and the knowledge, increase efficiency in various fields of economy, and improvement of the quality of products and services.

According to Article 1.3 of the Constitutional Law on the Ombudsman, the Commissioner supervises over the execution of duties by the information holding state bodies, municipalities and state officials following the requirements of the Law of Azerbaijan on access to information. While investigating the violations of the right to access to the information indicated in the appeals, she explores whether the norms of the relevant Law are respected or not.

Under the Law, the main duty of the information owners is to rapidly consider the information requests of requesters.

The appeals concerning the right to information received by the Ombudsman were analyzed and the competent bodies were requested in this regard that mainly was considered.

Under the same Law, the information request is executed as soon as practicable, but no later than in seven working days.

Under the Law on Access to Information, the information holding public authorities are not responded to the information requests prepared following this Law using the confidentiality of information, for example, commercial secret, state secret or service information as a pretext. However, this also should be noted that the list of such information has been specified by the legislation.

Under Article 15 of the Law on Access to Information, a written request for information should contain: name and family name of the requestor; when the request is submitted by a legal entity – the name of the legal entity as well; contact details on the requestor to enable the information owner to execute the request (mail or e-mail address, the telephone or fax numbers); content of the requested information, or type or name of the document, document details that requestor knows; and presentation form of the information.

If the requestor wishes to acquire private information, the request shall be furnished directly to the information owner's official together with the requestor's identification document. The provision of personal data is carried out following the Law on Personal Data.

Apparently, according to the relevant Law, IDs are required only upon requesting personal data.

Requirements for online application available on official websites of public bodies apply to the information requests as well. Thus, except personal data, a

person, who wants to obtain other information is required to provide unnecessary information –such as date of birth and ID card number.

Taking into account the aforesaid, the Ombudsman recommends making changes in the online application sections available on the official websites of state bodies and bringing into compliance with the Law on Access to Information concerning providing information requests on other matters, except for private data.

Freedom of conscience. Everyone has the right to freedom of conscience. Everyone is entitled to profess individually or jointly with others any religion, or not to practice any religion, to express and disseminate his opinions in connection with the attitude to religion.

Performing religious ceremonies is allowed if that does not breach of public order or public morality. Religious beliefs and religion do not justify violations of the law.

The coexistence of different nations belonging to various religions in Azerbaijan, where they live together in equality and freedom, without any pressure on their beliefs, the created condition for free practicing a religion, regulation of religious and ethnic relations in compliance with national values and international law play a crucial role.

It should be particularly noted that Azerbaijan is one of those rare countries, where mosques, churches and synagogues share their home, cooperate in the tolerant and multicultural environment. For this reason, people with different religious traditions are not encountered with religious discrimination and practising their religion freely.

The religious entities and communities were not imposed on any restrictions to be registered or to act in the manner prescribed by law and necessary conditions have been created for ensuring their right to freedom of conscience.

The situation of ensuring the right to freedom of thought, conscience and religion or belief grabbed the attention of the Ombudsman.

Monitoring carried out by the Ombudsman concerning how the right to conscience is ensured, showed that there was no restrictive intervention with professing religion by persons in the manner as prescribed by law and with the lawful activity of religious unions and communities by public authorities and officials. Along with the aforesaid, this is, therefore, necessary to strengthen moral education of inmates and to expand the meetings with religious figures of the registered entities to adapt them to the society to reform prisoners through religion.

For the restoration of peace through multi-confessional and multinational dialogues, it is appropriate to develop multilateral dialogue, further engage responsible state authorities, civil society organizations (CSOs), religious communities, national cultural centers and ethnic minorities in this process.

Right to vote. The citizens of Azerbaijan have the right to elect and be elected to state bodies and to participate in the referendum. The citizens having the right to participate in the elections and living in the area of the relevant election constituency may be elected to the municipalities.

Ombudsman pays attention to ensuring the right of citizens to vote, which was stipulated in the Constitution and international treaties, to which Azerbaijan is a party.

On December 23, 2019, during the preparatory period to the elections to municipalities, the Central Election Commission held a range of events bringing together the members of the polling stations and constituencies' Commissions and competent state bodies and CSOs, monitoring of ensuring the rights of a citizen to vote and their readiness to elections that established conditions for holding organized voting.

The Ombudsman initiated to hold awareness-raising events in districts with the support of her Regional Centers.

On the day of municipal elections, the Ombudsman, staff members of the Office and its Regional Centers based in Ganja, Sheki, Jalalabad and Guba districts observed the elections in the capital city and 518 polling stations in 73 election constituencies, in 49 cities and districts across the country, including military units and penitentiary institutions.

The Ombudsman observed the election process also at polling stations in a number of constituencies of Baku surrounding districts, including the polling stations established in the Military training and education center of the Ministry of Defense. She also visited the administrative building of No.12 Khazar-Pirallahi and No. 34 Khatai second constituency commissions, which were equipped with modern supplies, ICTs, video-surveillances. She met with chairs and members of the Commission, in general, evaluated the elections, and made recommendations for improvements in ensuring the right to vote.

The Ombudsman met with members of election commissions, observers and voters and got some information with regard to the election process in the constituencies.

The Ombudsman regularly received the information from the staff members observing the elections and monitoring the realization of the right to vote across the country. She paid attention to the election process and the realization of the

voters' rights. The observations showed that political parties, neutral and international observers participated in this process on the basis of mutual respect and fulfilled their duties within their mandate respectively.

In the course of the observations, no interventions were found with the election process by state authorities, including executive authorities and the police forces.

The monitoring showed that the rights of citizens to vote were ensured; and the requirements specified by the Code of Election of Azerbaijan were fulfilled in order to make the PWDs, elderly and those suffering from various diseases to enjoy their right to vote. This was also observed that the Central Election Commission equipped the election constituencies with devices able to read the new generation - smart ID cards, fixed video-surveillances in a numerous constituency and created favorable conditions for the observation of elections.

During the observation process, the chair of the polling station was immediately reported some cases, which were drawn attention to but did not affect the results of the elections to eliminate them, which was considered and the constituency election commissions informed about it, respectively.

On the election day, the Ombudsman did not receive any appeal with regard to the violation of the right to vote neither directly nor by the hotline.

The appeals about the violation of the right to vote, that Ombudsman received after the municipal elections were transferred to the Central Election Commission for investigation and taking appropriate measures.

The municipal elections were organized in line with the Constitution, election legislation and international standards. It demonstrated that the State is committed to the principles of building a democratic legal state and ensuring human rights.

Right to administrative and judicial guarantees of rights and freedoms. Everyone is guaranteed administrative and judicial protection of his/her rights and freedoms. Every person has the right to an unbiased approach to and consideration of his / her case within a reasonable time limit and to be heard during administrative and judicial proceedings.

The steps taken for improvement of the judicial structure and system, the gradual elimination of the defects, application of innovations and development of e-justice have a positive impact on facilitating by the access to the judiciary.

The Presidential Decree “On Deepening of the Reforms in the Judicial-Legal System” signed on April 3, 2019, plays a great role in terms of the above mentioned, including further improvement of the access to justice, increase

efficiency and transparency in judicial proceedings, fully and timely execution of judgments, and strengthening the measures for elimination of procrastination and other similar negative cases.

The Judicial-Legal Council of Azerbaijan undertook measures for evaluation of the activities of judges, strengthening the execution and labor disciplinary liability, and elimination of law violations and procrastination. The disciplinary proceedings have been instituted against judges, who committed flaws and violations that are justified by citizens. Those judges, who violated the executive discipline and norms of the legislation were brought to the disciplinary liability.

The Ombudsman continued to cooperate with judicial power, including the Constitutional Court of Azerbaijan in the field of protection of the right to administrative and judicial guarantees of the rights and freedoms of citizens.

Within the framework of the developing bilateral cooperation between these entities, it has been conducted an exchange of experiences in protecting human rights and freedoms and legal standpoints of numerous issues aimed at effective ensuring human rights and proper application of laws.

Following part VII of Article 130 of the Constitution, the Ombudsman, at different times, submitted requests to the Constitutional Court concerning the constitutional compatibility of several normative acts.

Pursuant to Article 1.9 of the Constitutional Law, the Ombudsman may examine the complaints about red tape, loss of or delayed delivery of documents in courts and delays in the execution of judgments. Under Article 11.1.4 of the Constitutional Law, the Ombudsman does not investigate the complaints if a complaint is being examined within court proceedings.

The appeals addressed to the Ombudsman about the right to administrative and judicial guarantees of the rights and freedoms, were mainly about dissatisfaction with judgments, biased review of the case, failure to send or delayed delivery of the summons to the parties, failure to give or due time delivery of copies of judgments, failure to notify one of the parties to the case regarding the submission of appeals and cassations complaints and procrastination.

Based on the analyses of appeals, this should be noted that in some cases, failure to comply with the procedural legislation by courts in a timely and proper manner and failure to answer the appeals in due time were highlighted as concerns. In general, failure to send copies of judgments to the parties in time causes delay and loss of time and make unable to enjoy the other rights effectively.

Within the mandate of the Ombudsman, a set of actions have been taken concerning the complaints about procrastination and failure to timely submit court documents.

The execution of judgments fully and in time play a prominent role in the effectiveness of fair trial and increasing the confidence in the administration of justice.

The Ombudsman received appeals, dealing with the execution of judgments that were primarily raised concerns about non-implementation of judgments or remaining them unimplemented for a long time, procrastination, and violations of ethical conducts by the executive officers against citizens. On the other hand, the failure of some executive officers to take responsibility of their duties, their non-professional or indifferent attitude to the fulfilment of the duties and failure to implement timely the statutory measures has led to serious problems and complaints in the execution of judgments.

The complaints were also mainly about the different issues, including alimony, property, demand for money, debt repayments taken from the wages, non-enforcement of court decisions on seizing the occupied land or property. However, complaints about the failure to enforce court decisions on alimony claims are still common.

The analyses indicated that untimely or evasion of alimony payment by a debtor, delays in payments, or concealment of a debtor from the executive bodies unable to execute properly court rulings.

In a few cases, serious problems and challenges emerged due to the unemployment of a debtor, absence of his/her official workplace and non-disclosure of property and other means of income from which demand can be directed to, incapability of a debtor to work, not receiving a pension or its low amount, evasion of alimony payment in different unlawful ways and the leaving the county that in many of cases, have made it impossible to provide the payment. A debtor's in-patient treatment for a compulsory or common cause of serious illness, imprisonment in the penitentiary, the uncertainty of the actual residence, or ineffectiveness of searches also give rise to difficulties in the execution of court rulings.

The measures to address the alimony payment, including administrative warning, forcible appearance, penalty, administrative arrest, a temporary restriction of the right to leave the country, inter-governmental search for a debtor, and imposing the criminal liability in most cases have almost remained ineffective.

Though in many cases, the alimony payment was restored during the investigation process, later it was suspended again. All these cases have resulted in the violation of the rights of single mothers, who raise their children alone, and children as the alimony is a sole source of their surviving.

The Ombudsman considers that in any case, the minimum amount of alimony determined by the courts should not be lower than minimum subsistence defined for children, as the main socio-democratic groups of population and therefore, the necessary additions and amendments should be made to relevant legislative acts.

Under Article 23.1.3 of the Law on Execution, in some cases, an executive order, which is not or partially enforced, including if a debtor does not have the property and income to be directed to the claim, and all actions that were undertaken by the executive officer in search of his property and income have failed, is returned to the court issued the order or to other authority. However, a lawful denial of the competent authority to solve the matter only aggravates the existing problems. Hence, this is essential to amend the relevant legislation that will facilitate the solution of the problem.

As a result of the investigations of the complaints, in some cases, alimony payment was fully or partially provided. The demand was directed to the income of a debtor or to ensure the demand it was taken mandatory measures, including deciding on a search for the debtor, administrative arrest of the debtor or temporary restriction of the right of the debtor to leave the country.

Taking account of the urgency and scope of the abovementioned problem, the Alimony Fund should be created, financed from the state budget to pay the alimony defined by the court.

Failure to execute or delay of execution of relevant court decisions by the relevant state bodies defined as a debtor has led to citizens' justified discontent. With the appropriate interventions of the Ombudsman, a few judgments about demands for other claims have been solved.

Strengthening the execution discipline, preventing bureaucracy in the execution of court decisions, following the rules of ethical conduct by the executive officers against citizens, professional and responsible approach to the performance of the duties, and increasing the control over the execution are of utmost importance for positive impact to the quality of the execution of judgments.

Rights of participants exercising defense in the course of criminal trial and other participants of the criminal proceedings. The inquiry and investigation authorities have undertaken measures with the aim to effectively

ensure the rights and freedoms during criminal proceedings, and defend the rights and legitimate interests of the participants of the criminal process.

The appeals submitted by the defense team and other participants in the criminal proceedings gave rise primarily to concerns about biased preliminary investigation or investigation, failure to give the copy of the procedural decision, the ineffectiveness of appeals, procrastination and improper behavior against citizens.

The Ombudsman has investigated the raised issues in cooperation with the Office of the Prosecutor- General, Ministry of Internal Affairs and competent authorities within her mandate and necessary actions have been taken for the restoration of the violated rights.

In the course of the examination of the appeals about biased investigations, when it deemed necessary, the relevant investigation authorities were given operational tasks and instructions with a view to conducting a thorough and unbiased investigation of the cases, indicated in persons' appeals. Furthermore, the investigation was transferred to another relevant agency. Taking into account the circumstances of the case and after the evaluation of the pieces of evidence, the committed crime has been described from one Article of the national Criminal Code to another one.

During the investigation of the complaints, it has been identified the cases of unreasonable refusal of initiation of criminal proceedings, making decisions on suspension or termination of proceedings, so, it has been taken appropriate measures to eliminate those law violations.

During the investigations conducted on the request of the Ombudsman, in some cases, it was found that unjustified decisions on the refusal of initiating the criminal proceedings were made without fully, thoroughly and unbiased investigation of materials by the competent inquiry and investigation authorities, collected on the basis of citizens' complaints. That decision was annulled by the prosecutor, leading the investigation into the criminal case and submitted to another investigation agency for the additional investigation.

As a rule, unjustified decisions without carrying out full and unbiased investigation caused to bureaucracy and complaints of citizens to the higher instances.

During reviewing the justification for court decisions on a criminal case, sometimes this was revealed that the instructions on the case have not been fully executed. Therefore, the relevant decision on termination of the proceedings was cancelled; and the case was returned to the investigation body for the additional investigation.

In the course of examining the complaints, the decisions on termination of the criminal proceedings relating to the cases have been annulled.

Following the appeals sent to the prosecutorial authorities to investigate the cases showed in complaints, sometimes the criminal conducts of the accused were described in other relevant Articles of the Criminal Code.

During the investigations carried out upon request of the Ombudsman, it was taken imposed penalties on the staff of the inquiry and investigation authorities, violated the ethical conduct against citizens, abused professional power, committed violations of law and have deficiencies in their activity. Necessary measures have been taken for improvements.

In some appeals, the citizens complained about of being cruelly treated by the road patrol officers, being unlawfully detained, being subjected to unjustified fines, which resulted at drawing up administrative protocol and biased investigation of traffic accidents along with others problems.

The Ombudsman carried out investigations with regard to those appeals, necessary measures have been taken for the improvements in the concerned field and consequently, the state traffic police officers, who sometimes violated the norms of ethical conducts against drivers and those, who omitted flaws in their work have been subjected to an administrative penalty.

Thus, to continue effective measures for overcoming some shortages, existed in inquiry and investigation processes with a view to more reliably protect the rights of the participants exercising defense in the course of criminal trial and other participants of the criminal proceedings are extremely important.

1.2. PROTECTING ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Right to labor. Every person has the right to freely choose an activity, profession, occupation and place of work based on his/her skills and abilities. Everyone is entitled to a safe and healthy work environment and has the right to payment of no less than the minimum salary determined by the State without discrimination.

It has been taken measures for ensuring the equality of all participants in labor relations, defending their legitimate interests, establishing legal guarantees for the implementation of contractual obligations and improving the labor legislation.

Social and economic development in the country demands on reliable protection of labor rights of every person with working capacity, including increasing the opportunities for free choice of activity, profession, occupation and place of work and further ensuring the rights of the unemployed to enjoy government social benefits and to continue improving the legislation.

The steps taken in this field have facilitated by the development of personal and public welfare of citizens, and by the gradual elimination of law violations.

The appeals about the violations of labor rights have indicated concerns relating to unfair and constructive dismissal, non-payment of an employer's last invoice, while terminating an employment contract, including non-payment of monetary compensation for unused vacation (labor) leave, salary arrears, also, compensation for work-related injuries and lost wages for restoration to work, violation of the laws during concluding and termination of an employment contract and failure to provide upon dismissal an employment record book.

As a consequence of the cooperation between the Ombudsman and competent state bodies as well as measures and investigations, in some cases, the violated rights of workers have been restored.

During the examining, the appeals, serious measures have been taken in relation to those employers, who violated labor legislation. Sometimes, they have been brought to administrative liability or subjected to compulsory instructions to provide payment for salaries and final pays.

During the last working day, when it comes to terminate an employment contract, an employer should be given a copy of order (decree, decision) on termination of the relevant contract and his/her employment record book along with the final payment.

As a result of continuous reforms undertaken by the Government, increasing the minimum rate of salaries plays a key role in ensuring the right of persons to labor and improving their social welfare. Thus, by increasing the minimum monthly salary up to 250 AZN is a great support to tens of thousands of workers of both, public and private bodies. In addition to this, the significant increase in salaries of workers of various categories facilitated by strengthening the social protection of citizens and families.

According to Article 127 (Right to partially-paid leave and rules for exercising it) of the Labor Code, one of the parents or another member of the family who is directly taking care of a child until it is three years old, is entitled to partially-paid social leave in the amount determined by laws. An employee taking care of a child may use this right completely or in part at his discretion based on his/her written request.

A mother directly taking care of the child should be entitled to vacation time flexibility along with other rights, aforesaid. A mother, caring of her child may have the right to choose the duration of her vacation and adjust the amount of the allowance (benefits), provided to her to the period of that vacation days. Thus, it would be advisable to adjust the amount of the benefits, allocated to a mother, that is, to increase the number of benefits to the extent that the leave is reduced if a mother wishes to have a one-year leave at her discretion, instead of the 3-year leave period.

Taking account of the noted, the Ombudsman recommends adding the third paragraph to Article 127 of the Labor Code in the wording as such:

“3. An employee caring for a child may substitute the period of leave defined in the first paragraph of this Article with a shorter period, but not less than 6 months if s/he uses the right to partially-paid social leave at his/her discretion. In this circumstance, the amount of the benefits for child care, defined by the laws shall be increased proportionally to the period of leave.”

According to the seventh paragraph of Article 105 of the Labor Code (about Holidays), when holidays and day-offs follow or precede one another, then to ensure the sequence of working days and holidays, these working days or holidays may be interchanged by the decision of respective executive power authority. In this case, the ability of employees to perform their duties as defined by their health and employment functions should be taken into account along with “the ensuring the sequence of holidays and working days”. Therefore, it is necessary to add to the seventh paragraph of the mentioned Article of the Code the following wording:

“The number of consecutive working days may not be more than 7 days when work or rest days are shifting”.

The complaints about violations emerged in assigning teaching loads of teachers in schools also drew attention. Though the results of the diagnostic assessment of teachers have been taken into consideration during assigning the teaching loads, the complaints have also indicated facts of discrimination during the assigning the teaching loads, and that the teaching loads were assigned less than intended.

In some workplaces, employers did not abide by the requirements of the laws and this unable the workers to enjoy their right to social benefits defined by the law. Moreover, the failure of working conditions and organization of labor process to meet statutory requirements can lead to occupational diseases, injury and even death.

Creating new workplaces and increasing employment rate as a part of the social-based economy in the country are aimed at improving the population living standards.

On one hand, the non-concluding the employment contracts with citizens, working mainly in medium and small entrepreneurship subjects, especially trade and service sectors and working for a specified period as prescribed by the laws and non-engagement of them mandatory social-security payments caused to the evasion of employers from taxes and compulsory legal payments. On the other hand, this violates actual workers' rights to labor and social security. Therefore, the competent state authorities should strengthen their oversight to eliminate the challenges mentioned above.

Specific attention was given to the appeals by the unemployed citizens with financial needs and in some cases, those citizens were assisted in being employed.

However, in many cases, citizens appealed to the employment agencies refuse the jobs. The reason for this is that the salaries of those jobs are low or the workplaces are far from the place of residence of the applicants, being located mainly in villages.

Another problem is that in many cases the referrals given to citizens by the employment agencies do not reflect the reality and the enterprises do not accept those referrals.

The applicants, who defended their business-plan as a part of the training held within the self-employment training appealed to the Ombudsman, which showed that there were problems in the concerned area, which caused for concerns of citizens.

Those appeals were about to fail to the timely provision of several citizens involved in these training with appropriate equipment or non-substitution of the transferred assets, about what the applicant dissatisfied with the new ones. Also, they complain about unproductiveness and sickness of the assets (for example, animals) that became difficult or impossible to improve or re-product. The concerns were also about that the transferred assets were unfruitful, ineffective and non-compliant with the suggested business-plan as well as there were deficits in transferred assets. The complainants complained about being neglected by not considering their protests and appeals about the mentioned issues.

The non-payment to the workers of salaries and compensation for work-related injuries by the non-governmental bodies (NGOs), especially private enterprises that went to bankruptcy paved the way for violation of the rights in the concerned area. Taking account of the seriousness of the problem, the

Ombudsman recommends the Government developing the appropriate security system and increasing the attention to the establishment of the necessary mechanisms to give payments to the workers when the enterprise is unable to pay.

Right to social security. Everyone has the right to social security and is entitled to social security allowance for illness, disability, loss of the family head, loss of ability to work, unemployment and other cases provided by law if s/he reached the age defined by the law.

The Government that chose to be a welfare state is undertaking significant, constant and sustainable measures to address ensuring the right of persons to social security.

Social-economic reforms carried out during the year to address strengthening social security system, including increasing the amount of pensions and benefits, projects launched for effective ensuring social protection of the most marginalized groups of the population significantly affected the improvement of their welfare.

The recommendations made by the Ombudsman for improving the social welfare of people are being considered as a part of the social measures.

The Law on Social Benefits regulating the determination and legal basis for the allocation of social benefits for the most disadvantaged groups of the population needs to be steadily improved with the aim of reliable protection of the rights of persons, especially expanding the scope of the population groups provided with the benefits.

Measures have been taken for the investigation, ensuring and elimination of deficiencies and restoration of the violated rights indicated in the appeals about social security issues to the Ombudsman.

Those appeals were about re-calculating pensions, determination of social benefits, including targeted state social allowance, engagement with self-employment programs, issuing referrals for sanatorium-resort treatment, determination of the disability and other issues.

Necessary investigations were carried out with regard inadequate pension calculation, non-consideration of the duration of service for relevant periods and non-calculation of additions to pensions.

According to the relevant amendments made to Article 6-1 of the Law on Labor Pensions following the Law No. 1515-VQD dated February 19, 2019, the minimum amount of a labor pension is defined 160 AZN from March 1, 2019, to enforce the requirements of this Law. If the amount of the labor pension,

established pursuant to this Law is lower than the minimum salary, it shall be paid upon reaching that amount.

According to the Law No. 1650-VQD dated July 12, 2019, since October 1, 2019, that amount was defined 200 AZN.

As mentioned earlier, increasing the amount of pensions promotes to improving the welfare of people. However, while establishing the occupational pensions, seniority of a citizen until 2006 year should be considered along with the contribution period during establishing the pensions. Thus, although the amount of occupational pensions, established to several citizens that was below the amount of the minimum pension, and has been amended to be increased to 200 AZN, has not been applied to those, who received pensions in the amount of 200 AZN manats or more until the relevant amendments came into force. This led to the violation of the rights of those persons to social security. For this reason, it is necessary to increase the amounts of pensions of the persons provided with pensions until the Law No. 1515-VQD dated February 19, 2019, coming into force proportionally to the minimum amount of pension.

According to Article 7 (Terms of establishing old-age pensions) of the Law on Labor Pensions, the men, reached the age of 63 and the women reached the age of 60 have the right to old-age pension regardless of their contribution period if the pension capitals recorded in the insurance parts of their individual accounts allow to a pension coverage not lower than the minimum amount of the pension, but if that does not allow the pension coverage for those men and women, they can enjoy this right if they have at least 25 years of contribution period (*except for those who were provided old-age pension by July 1, 2017*) (*According to the notes part of the Article since July 1, 2017, the age limit of men defined in this Article is increased by July 1, 2021, whereas, this limit for women is increased by 6 months each year until July 1, 2027*).

However, taking account of the establishing the minimum amount of occupational pension 200 AZN from October 1, 2019, it is of concern that the pension capital recorded in the insurance part of the individual accounts of employed persons does not allow the provision of pension coverage not less than the minimum amount of the occupational pension. Therefore, the relevant legislative norm should be amended to effectively ensure the rights of citizens to an old-age pension.

Problems with the lump-sum payment of pension amount to pensioners were issues of concern in the field of ensuring social security. Thus, some citizens in their appeals to the Ombudsman indicated problems relating to non-enforcement of the court decisions on lump-sum payment of the differences appeared during re-calculation by the regional branches of the State Social Protection Fund under the Ministry of Labor and Social Protection of Population (MLSPP).

With the interventions of the Ombudsman, similar complaints have been resolved and the violated rights have been restored.

The appeals addressed to the Ombudsman by the older and homeless persons have been also approached sensitively.

The Ombudsman considers that the range of social service and rehabilitation centers for children and the aged persons should be expanded and all necessary measures should be undertaken in this regard.

The investigations were also conducted with regard to appeals of citizens, who failed to be provided with the targeted social allowance. After the investigations, the other related aspects of the right to social security of citizens have been resolved and their rights were restored accordingly.

The Ombudsman recommended providing children, who lost the family head and those with disabilities with allowances for both cases taking account of the needs of children becoming disabled due to various reasons.

This should be noted to the point that according to Law No. 1703-VQD dated November 29, 2019, Article 5 On Social Benefits (Right to select a benefit) was reworded, and Article 5.2. paragraph of that article states that children, who are eligible to receive both social benefits defined in Article 4.0.1.4 (benefit for children with disabilities up to 18 years) and 4.0.1.5 (benefit for loss of family head) are entitled to both types of monthly benefits.

In accordance with the Law dated January 6, 2004, the CoE European Social Charter (Revised) (May 3, 1996) was approved by the State with relevant declarations. In general, our State declared himself to be bound with regard to 18 articles of part II of the Charter. However, at later period no additional article of the document has been ratified, thereto.

Over the past few years, significant improvements have been achieved in terms of advancing national legislation, expanding the opportunities for national economic development and a state budget, solution of social problems of the marginalized groups of the population, including those with special needs. Thus, now it is the right time for the ratification of some other articles of the Charter.

Taking account of the mentioned above, the Ombudsman recommends ratifying a few of articles of the European Social Charter (Revised), including Article 10 on the right to vocational training, article 15 on the right of persons with disabilities to independence, social integration and participation in the life of the community, article 19 on the right of migrant workers and their families to protection and assistance; and article 23 on the right of elderly persons to social protection.

Considering the fiscal situation and budget status, the ratification of the relevant articles of the document will facilitate by better ensuring a decent life and effective protection of the other rights for all.

Obviously, since 2015 the graduates from child-care facilities, deprived of parental care under the State Social Protection Fund of the MLSPP have been accommodated in the social facility “Alumni House” built particularly for such category of children in priority order.

According to Article 4.2 of the Regulations of the “Alumni House” social facility approved by the Cabinet of Ministers’ Decision No. 320, dated October 7, 2015, at the end of each academic year, the Ministry of Education submits to the MLSPP the list of children from state child facilities, who are deprived of parental care and homeless. Afterwards, the graduates in the list submit the required documents to the Fund. Those documents are considered within 10 business days and decisions are taken whether to provide or refuse them a place of residence.

Some persons from that group without having a place of residence appealed to the Ombudsman and raised concerns about that although they submitted the necessary documents to the competent bodies in order to be provided with adequate housing, they have not been housed in the social facility without any reasonable justification, as well as about violation of laws and the priority orders during the distribution of houses.

To get rid of the noted and anticipated law violations and cases of discrimination, the Ombudsman recommends making publicly available a list, submitted by the Ministry of Education, including decisions on provision and refusing the graduates a place of residence, through the official web page of the MLSPP.

Right to health. Everyone has the right to protection of his/her health and medical assistance. The important measures have been undertaken to ensure the protection of health care service for all, to expand and improve the quality of health services to effectively protect and fully realize the right to health of the population.

By the instructions of the President, preventive medical examination of people was continued; and citizens have undergone the medical examination and persons who have diseases discovered have been hospitalized.

Improving the mandatory insurance system and extending the scope across the country as a part of the reforms carried out, paved the way for re-establishing the public health system and strengthening the capacity building of health providers.

The Ombudsman paid attention to the issue of ensuring the right to health of citizens and responded to every appeal very quickly. The appeals, as a rule, raised questions about providing medical treatment and examination at the expense of the state, assistance in obtaining medications, and also other problems of the concerned right.

Concerning the appeals about providing the assistance in examination and treatment at the expense of the state due to the financial lack of resources, the responsible authorities, including the Ministry of Health or the State Agency on Mandatory Health Insurance and their subordinate bodies have been requested. It has been taken actions for the organization of medical examination and treatment by the leading and specialized clinics, including the National Ophthalmological Center named after the Academician Zarifa Aliyeva, the Center of Scientific Surgery, the Scientific-Research Institute of Traumatology and Orthopedics and the district hospitals.

A number of persons with diabetes from the privileged group, who should be provided with sugarcane preparations and self-management tools at the expense of the state indicated in their appeals that they have faced with serious problems in providing with necessary medications by district clinics, that they waited for hours to obtain medicaments, got stressed and frustration, faced with lack of medicines at many times. Furthermore, they have been made excused on the next day that the allocated medicines have completed and asked for an investigation on and assistance in the noted matters.

The relevant cases and observations show that measures for provision of the persons with diabetes with sugarcane preparations and self-management and other tools should be strengthened. It is necessary to properly plan the distribution of a number of patients and medical supplies, mentioned above to the district medical facilities in a centralized manner where the relevance should also be taken into consideration to timely and properly provide of sugarcane preparations to each patient registered with the dispensary.

The Ombudsman considers that “the List and Quantity of the Volume of the First Aid Service (including necessary medical examinations), Syringes, Insulin and Other Sugarcane Preparations and Self-Management Tools to the Persons with Diabetes” approved by the Cabinet of Minister’s Resolution No. 87 dated May 13, 2005, should be made additions and amendments.

In general, the matter of extending the list of the relevant medications, including medicines for rare diseases into the “List of medicines provided based on free prescription drugs” considered in paragraph 2 of the Cabinet of Minister’s Resolution No. 38 dated March 7, 2005, and approved by the Ministry of Education is an issue of high urgency. Furthermore, the priority issues of the State are to conduct constant monitoring for identification of unqualified and

expired drugs, prevent and strengthen the control overspreading the drugs negatively affecting the health and psychology of human beings.

In the process of examination of the appeals relating to the issues of determination and assessment of a disability, the applicants complained that as a result of inadequate professionalism and negligence, in many cases their health status was not fully and comprehensively described and medical information necessary for expertise was not indicated, as well as their diagnoses and complications have not been adequately formulated in the medical referrals (Form 88), which made impossible to determine their disability.

The persons with psychological disorders and those with special needs have been always paid specific attention, in particular for ensuring their rights.

Ms. Mehriban Aliyeva, the First Vice-President of the Republic of Azerbaijan and the President of Heydar Aliyev Foundation became familiar with the conditions created at the Child Psycho-Neurological Center after the basic repair has been started since 2009.

During the investigations conducted by the NPM Group into psychiatric facilities on the instructions of the Ombudsman, the Group members found that in some psychiatric facilities there was overcrowding; the treatment and rehabilitation programs were inadequate, nutrition and medical supplies were insufficient, and there was a need for improvement of the conditions.

Besides, expenditures for mental health services are also an issue of concern. Low salaries of the health providers in psychiatric clinics negatively affected the quality of service. Therefore, it is essential to amend the decision on the application of food norms in these facilities.

The application of community-based programs for mentally retarded persons and extension of labor opportunities in the premises of the facility taking into account of the skills and interests of patients would be enormous support in the effectiveness of the treatment.

Furthermore, to prevent possible suicides, there is a need to develop purposeful programs, promoting the healthy lifestyle, providing information on how to manage stress, and considering the development of mental health of children and young people, as well as to expand the psychological rehabilitation measures.

Right to education. Every citizen has the right to education and no one shall be deprived of this right. The education contributes to the spiritual development of a human being, strengthening the trust in rights and freedoms, fostering the respect for personality and understanding personal dignity.

The measures have been undertaken in terms of meeting the demand for highly trained personnel and developing effective and modern education system for people with a view to developing the right to education, which has a special role in the development of society.

The construction or renovation of new school buildings in Baku city as well as in various cities and districts across the country facilitated by the effective enforcement of the right to education.

The appeals on the right to education caused for concerns relating to teacher-student relationships, conflicts emerging in teaching groups, difficulties in the admission process to preschool and first grades, artificial barriers in changing schools, challenges existed in preschool education, schools in a deteriorated condition, and heating of school buildings. With respect to the mentioned problems, the Ombudsman appealed to the Ministry of Education and local executive authorities and competent bodies. It has been conducted investigations, and monitoring and other relevant measures when it deemed necessary.

The Government took significant actions for re-establishing the preschool educational facilities (kindergartens) and improvement of their conditions and equipment.

However, the relevant monitoring conducted to verify the problems indicated in the appeals as well as observations showed that both, the number of places did not fit the number of preschool-aged children living in the relevant area and the process of admission these facilities seriously violated the law, besides, they were making wrongdoings.

The insufficient number of kindergartens leads to the fact that a large number of preschool children are left out of the preschool education and training, including intellectual, spiritual, physical and psychological development.

It should be particularly noted that almost in all cases parents, who apply for admission to their preschool educational institutions, have been denied.

In general, since the past undermining the need for pre-school education by the local executive authorities, and failure to take measures for repair and reconstruction of the kindergartens to meet the modern standards also raise our concern.

Though some steps have been taken to achieve the required and international standards of the education and its quality, in the overall, inappropriate organization of educational process in several schools and failure to fulfil the duties by the school administration, teaching staff and separate teachers caused for complaints, as well.

Some complaints have been examined on the spot with the presence of teaching staff, parents and pupils. The parties to the dispute have been listened to and they were explained their rights and duties, and consequently, the disputes have been solved through mediation.

The shortages and defects found out during the investigation, problems with the organization of education and the process in schools in overall, have been eliminated and the responsible school staff were penalized.

According to the recognized rules, the goal of preschool education is to organize development, training and education process of 5-years old children taking into account their needs and abilities at the preschool level. Their core duties also include fostering a love of reading in children, to develop and strengthen their positive emotional attitudes towards a school, and to formulate individual and social characteristics to the adaptation of a child to the school environment.

Although children remained out of the preschool education do not encounter any barriers during the admission to the first grade, some problems in the process have remained.

If there is no preschool education group in the school located near the place of residence, for admission of the child may be applied to other preschool education group created in another school. In this regard, the requirement that a child is selected from the nearest school in the territorial context violates the right of a parent to choose.

At the same time, though there is no statutory restriction on the area of residence of a citizen where s/he is registered, children who are registered in the same area, or if their siblings or one of the parents work in that area where the school is located have priority over those, who are not registered but in fact, live in there. This is a violation of the right to equality and education as defined by the Constitution of Azerbaijan.

Taking account of the previously mentioned, during the process of admission to preschool education, all children should be granted freedom of choice on an equal basis to prevent violations of human rights.

The Ombudsman has also focused on the issues of inclusive education. The observations show that in the districts of the country, there is a huge demand for the relevant education facilities, development and rehabilitation centers and skilled workers in order to involve children with limited health capacities in pre-school, school readiness and secondary education. In general, exclusion of this category of children from education deteriorate their mental and spiritual development and restrict some of the rights. Thus, it is necessary to take measures

for increasing inclusive education opportunities of such children and to eliminate the existed problems related to their integration into society.

Generally, it is vital to involve children with physical or mental retardation but having a chance to be rehabilitated into complex rehabilitation services and to create reasonable and accessible opportunities for them.

As mentioned above, numerous new schools have been built, renovated or fundamentally re-repaired. It has been created modular schools and furnished with new and modern equipment in Baku, and various cities and districts across the country as a part of the measures taken for increasing the quality of education.

It is also worth noting that in the country several secondary and nursery schools were built or fundamentally repaired on the initiative of Mehriban Aliyeva, the First Vice-President and the President of Heydar Aliyev Foundation.

Currently, several secondary schools in the capital and various districts of the country, villages, in particular, are useless and in critical condition.

Some of the complaints indicate the cases where schools were not heated to the required temperatures in the fall-winter semester since the respective schools were not supplied with gas or the supply limit was lower.

At various times, the former students of the Military Medical Faculty of the Medical University of Azerbaijan appealed to the Ombudsman complaining that at the end of the fourth grade, they have been identified as unsuitable for military service and expelled from their education by the Military Physician Commission as the result of medical certification due to their diseases. However, later when they have recovered from their diseases, they have not been allowed to continue the higher education. Therefore, they asked for assistance in restoring them to the Faculty of Treatment and Prevention of the University and ensuring their rights to education.

During the monitoring by the Ombudsman of the question, it was discovered that those students have not been considered for restoration to that specialization by the Ministry of Health following the Regulations on Transfer, Expulsion, Restoration and Academic Leave of Students of the General Medicine at the Undergraduate and Graduate Levels of Medical Education, approved by the Order No. 5/2 of November 15, 2017, of the Minister of Education as their passing scores in the exams of the State Examination Center were less than the score required for the specialty “Medical Treatment” in the relevant year.

This can be seen in paragraph VII of Article 149 of the Constitution that states “normative legal acts that improve the legal situation of physical and legal

persons, and which eliminate or mitigate their legal liability, shall have a retroactive effect”.

This should be noted that however, those persons, applied to the Ombudsman accepted to the Faculty of Military Health after the approval of the relevant legislative act.

Taking into account of the aforesaid and the admission of young people to the Military Medical Faculty of the Azerbaijan Medical University at various times, especially their four-year education in the facility to become a professional physician and state expenditures sufficiently funding their every academic year, the Ombudsman considers, it is an inevitable necessity to restore those persons to the Faculty of Treatment of the relevant university from both perspectives, ensuring their right to education and appropriate assessment of the state expenditures funded for their education.

Supporting the education of citizens, who admitted to the private higher education institution with high passing scores through state funding and at the same time, determining the amount of tuition fees to the real income of those, who studied at the public higher education institutions, including the vulnerable groups of population in need of special care may have a significant impact on the development of education. Also, it is important to provide discounts on the tuition payments of students from low-income families.

Right to adequate housing. Everyone has the right to permanent residence, adequate housing, and healthy living environment. The State progresses the construction of living apartments and houses and undertakes specific measures for realizing the right to adequate housing.

The solution of housing needs of the population, especially of the low-income families, remains as issues of priority for the social policy of the state.

The construction of new residential buildings in place of unsafe buildings in Baku and various parts across the country according to the instructions of the country President permitted citizens not only to enjoy the right to adequate housing but also to improve their accommodation conditions.

The appeals on the right to adequate housing were mainly about housing, non-responses to the appeals by the local executive authorities, unjustified refusal to respond and bureaucracy, inclusion to the list for housing, provision of new housing instead of unsafe ones, elimination of damages of natural disasters, allocation of lands for private housing and financial aid for housing repair.

These appeals were analyzed within defined rules and the aspects falling within the mandate of the Ombudsman were investigated.

The purpose of the national mortgage policy is to use this funding for the most socially vulnerable groups of the population. However, inadequate housing prices and provision of mortgage loans by banks to only highly-paid people prevent low-income families and those from vulnerable groups with special needs to enjoy their right to adequate housing effectively.

Sale of social apartments built by the State Housing Development Agency of Azerbaijan at their expense funds (one-time payment) to provide the privileged groups of citizens defined by the law with adequate and affordable housing, reduces the possibility to choose for those from the privileged groups with real need in accommodation but having no financial resources to afford it.

As well as, it is necessary social apartments for sale by the State Housing Development Agency be sold only using a preferential mortgage loan and at least 60 months (5 years) determination of loan repayment to increase the opportunities for ensuring the right to adequate housing of persons from the privileged groups in real need of an apartment.

The problem of the state registration of unauthorized and unregistered constructions in various parts of Baku is remaining a serious concern and thousands of citizens are facing various impediments caused by this problem.

As it is known, the country President gave instructions to the relevant bodies on the elimination of damage to dwelling houses, social and infrastructure facilities in Shamakhi, Ismayilli and Aghsu districts as a result of the earthquake occurred on February 5, 2019, as well as restoration of social infrastructure.

By the Presidential Decree of February 7, 2019, the Ministry of Emergency Situations of Azerbaijan was initially provided two million manats to eliminate the consequences of the natural disaster in Shamakhi, Ismayilli and Aghsu regions of Azerbaijan, including damage to homes, social and infrastructure facilities. In addition, 11 million manats were allocated for the continuation of the preventive work on natural disaster in overall under the Order of March 7, 2019, and five million manats - for the continuation of construction and rehabilitation of housing, social and infrastructure facilities. For the same purpose, the executive authorities of Shamakhi, Ismayilli and Aghsu districts have been allocated two million manats for repairing dwelling houses and a total five million manats for the continuation of the elimination work of damages on houses in Shamakhi by the Orders of November 12 and 15, 2019, accordingly.

The appeals of citizens, whose houses have been damaged by earthquake, were examined and the violated rights were restored. Despite the abovementioned fact in some appeals, citizens, whose houses have been damaged by an earthquake in the noted above districts complained about that their houses were

not included to the list of deteriorated houses and their appeals on the issue were ineffective.

In addition to the above, this is necessary to allocate the adequate state funding to eliminate the damage to private houses that have been affected by natural disasters occurred in different places but have not been registered for various reasons and no action has been taken for their restoration.

Following the analyses of the appeals, the Ombudsman considers that actions for doing joint monitoring by local executive authorities and Ministry of Emergencies to fully identify the expired, unsafe and dangerous for living buildings, and monitoring evacuation of people from those buildings and gradually providing them with new houses should be further activated and strengthened.

With the interventions of the Ombudsman and considering the appeals by low-income families and poor people, later some citizens have been provided with financial support inside and in construction of their private houses or apartments.

After the intervention and appeals to the relevant bodies concerning the problems mentioned in several other complaints addressed to her, those problematic issues have been solved.

Forced placement of IDPs in privately owned facilities, homes and apartments, and in privatized apartments has resulted in the violation of property rights of these real estate owners, but the problem has remained unsolved. Therefore, it is necessary to expedite the resettlement of IDPs from their places of residence to designated or other suitable premises to re-settle the IDPs from their places of residence and to enforce the relevant court decisions.

The cases of violations of the rights of residents by the managers of housing and construction cooperatives, and the law breaches, arbitrary determination of communal norms, non-compliance with the terms of performance agreements with the residents, and deception of residents are being continued.

Almost all housing-building cooperatives not only increased the hot water and heating prices by several times but also calculated the natural gas price for household consumers as for non-household consumers by violating the requirements of the Tariff (Price) Board decisions.

The main culprit behind the lack of gas supply in apartments in many housing-building cooperatives throughout Baku is the management of the relevant cooperatives.

This is necessary to undertake inspections in housing-building cooperatives by the Ministry of Economy and Anti-Corruption General Directorate with the Prosecutor General of Azerbaijan to investigate and solve existing problems with such cooperatives.

Right to property. The right to property is inviolable and is protected by the State. The right to property refers to own, use and to dispose of the property alone or together with others.

Every individual and legal person has the right of peaceful use of his property, no one shall be deprived of his/her property in the interests of the society, except as provided by law and general principles of international law.

The appeals on property rights received by the Ombudsman mainly were about destruction of an owned property (house, building) without a proper court decision, acquisition of private property, non-residential or for public purposes, or/and failure to provide adequate compensation, and bureaucratic impediments created to a citizen in the process of documentation of the property.

According to Article 29 of the Constitution, nobody may be deprived of his/her property without a court decision. Expropriation of property for state needs is permitted only on condition on fair compensation in advance. Unlawful interference with the property by any person or entity shall be inadmissible and is a violation of the rule of law.

Demolition of any building without a court order is prohibited by the law. The legal ownership of arbitrary construction of any building can only be determined by a court.

Also in the process of construction and restoration, the state-protected property, including private property, shall not be unilaterally disrupted without a court order or official consent of the owner.

In some appeals, it was indicated that the government had acquired private property or non-residential areas in the capacity of local executive authorities and underestimated the value of the existing real estate market and the smaller amount has been offered.

As a whole, if the property is needed to acquire for public purposes it is necessary to fairly and appropriately estimate the value of it with the real estate market to avoid discontents in the concerned area.

A number of appeals indicated the bureaucracy by the regional and district (city) departments of the former State Registry Service under the State Committee on Property Issues during the state registry of the ownership rights over houses, apartments and lands and elimination of the other related challenges.

However, with the interventions of the Ombudsman, the violated rights have been restored. Some of the problems that have been reflected in several other appeals on property rights have also been investigated by the Ombudsman.

The competent bodies have been appealed concerning the complaints of citizens, who have taken out loans from banks in US dollars and later were unable to repay due to the devaluation of the national currency- “Azerbaijani New Manat” emerged in recent years. The complaints include the fact that citizens received loans from banks in US dollars in their respective contracts, but the banks provided them with cash in AZN. So, they asked for assistance in the repayment of loans on US dollars at the exchange rate at the date of the loan agreement.

From the perspectives of the previously mentioned and fundamental solution of the existing problem, the Presidential Decree on the “Additional Measures on Addressing the Problem Loans of Natural Persons in the Republic of Azerbaijan” of February 28, 2019, is significantly important.

It is important to take measures to avoid prevent damage to the property of citizens as a result of the bankruptcy of banks and non-repayment of deposits or non-payment of payments.

The commercial banks make high profits by providing simple loans to citizens and in some cases, do not require a guarantor or collateral for a loan, create challenges not only for the borrowers or those who fail later to repay but also for their dependants, the minor children, in particular, making them be deprived of their property as an only place of residence according to the court order. For this purpose, this is necessary to improve the bank loan policy and to strengthen the control mechanism over the banking system to effectively organize the accessibility of the population to banking services and prevent the occurrence of such cases.

Business and human rights. Business and Human Rights Working Group (WG) at the Ombudsman continued its activity in the frame of the business cooperation of the Ombudsman with the central executive authorities, Azerbaijan Trade Unions Confederation, National Confederation of Entrepreneurs (Employers) Organizations of Azerbaijan, and the NGOs, and discussions and exchange of views were held in relation to the priority issues and it was made proposals with the aim to overcome and prevent the human rights violations, existed defects and shortages found by business entities.

One of the discussions of the WG were dedicated to the right to access to information in the business and human rights context taking account of the urgency and scope of the progressive development of the information and communication technologies (ICTs) today.

The other discussions also included the issues of the implementation of the national Law on Access to Information, information security, protection of personal data, the activity of the public and business entities in the relevant field, mechanisms of extrajudicial control over the implementation of the legislation on the access to information, international practice, also how to improve the current relevant norms and effectively coordinate the relevant public bodies.

Various enterprises, organizations and companies, including mobile operators, distribute personal data to other companies, including to the limited joint-stock companies, operating in the country under different names, without the knowledge and consent of the owners. For example, the transfer of personal data by mobile operators to various advertising companies, private health care providers and insurance companies eventually lead to violations of the law, interference with the privacy of individuals, and the inconvenience (in the form of “SMS” alerts and calls) and a significant amount of material damage to persons.

The limited activity of the Call centers in those entities unable citizens to directly or indirectly contact the relevant departments of those subjects. And this eventually, violates the rights of those persons to access information due to ineffective investigation of their complaints, non-responses to the appeals, and obstacles to the accessibility of information.

The information requests of some citizens, prepared in compliance with the Law on Access to Information are not responded under the pretext of confidentiality of information, such as state or commercial secret or service information. However, the precise list of information was determined by the legislation.

As a result of the ICT reforms, even though services of many entities are electronified, due to the lack of coordination among these systems it becomes impossible to obtain some information. So that, although the information about the restriction on the right of citizens to leave the country is placed on the system, due to the lack of accessibility to the system by citizens it became impossible to know by which entity this restriction is issued and what obligations are associated with. To clarify this issue and resolve the problem is a very long process.

One of the concerns is that the information about penalties, especially in recent times, those subjected to illegally parking and parking rules are not placed on the system in time. The consequence of this is that the information on fines is made available to citizens at the last moment, especially when they are leaving the country, or at the notary offices or state traffic police departments, which associated with different challenges.

Every information owner, according to Article 10 of the Law on Access to Information, is obliged to secure everyone’s free, unrestricted and equal right of

access to pertaining information resources. For these purposes, the information owner shall appoint an official or establish a department on information matters, provide information services, at the same time, shall provide the information about their activity and its results on the official web page or make it available for people through other means.

1.3. PROTECTING THE RIGHTS OF VARIOUS GROUPS OF POPULATION

Protecting the rights of refugees, IDPs and migrants. Azerbaijan supports more than one million Azerbaijanis, who became refugees and IDPs as a result of ethnic cleansing and occupant policies of Armenia for over 30 years. Improving the welfare of this category of people and returning to their homeland in safe conditions remain a priority issue at the state level.

Armenia that does not fulfill the requirements of the well known United Nations Security Council and General Assembly Resolutions continues its aggression and terrorist policy against Azerbaijan.

The Ombudsman repeatedly submitted appeals about the genocide committed by Armenian armed forces in Khojaly city of our country, and violent acts and ethnic cleansing against Azerbaijanis to the UN Secretary-General, UN Security Council, UN Human Rights Council, UN Office of the High Commissioner for Human Rights, UN Office of the High Commissioner for Refugee Rights, UN Children's Fund (UNICEF), UN Educational, Scientific and Cultural Organization (UNESCO), European Union (EU), CoE, European Council, Organization for Security and Co-operation in Europe (OSCE), international and European ombudsman institutions, Asian Ombudsman Association, Organization of Islamic Cooperation and the Ombudsman Association of its member states,

Independent Permanent Human Rights Commission of the Organization of Islamic Cooperation, European Network of Ombudspersons for Children, International Peace Bureau, foreign ombudsmen, and the foreign embassies in Azerbaijan.

The issues of care and problems of the IDPs have been paid specific attention to, and measures addressing to the protection of their right to labor, social security, health, and education, improving housing conditions, employment, supporting entrepreneurship, engagement in self-employment, and access to utilities and allocation of lands have been undertaken.

The State Committee for Refugee and IDPs Issues of Azerbaijan and other competent bodies have been requested to investigate the appeals of the refugees

and IDPs addressed to the Ombudsman. Also, it has been made relevant recommendations and suggestions.

The Ombudsman continued its cooperation with the State Migration Service of Azerbaijan intending to protect and promote the rights of migrants. Each of the appeals about registration of foreigners upon a place of stay, issuance of permission of temporary and permanent work and to carry out paid labor, the extension of the period of permits, obtaining of certificates work experience, issuance of duplicates of relevant documents were examined and the migrants have been assisted.

The Ombudsman delivered a welcome speech in the conference on the International Day of Migrants held on December 18. Besides, the staff member of the Ombudsman, who is in charge of refugee and IDPs issues, has participated in the meetings of the WGs on Integration and Social Protection of Foreigners and Re-integration of citizens of Azerbaijan and put forward her recommendations.

Taking into account the reliable protection of the rights of migrants, aliens, and stateless persons as well as the new challenges in the regulation of the internal migration, it has been drafted proposals to the draft National Migration Strategy for 2020-2025 years, and submitted to the State Migration Service of the country to bring it into compliance with modern standards.

At the request of the Ombudsman, the NPG members carried out monitoring in the State Migration Service Detention Centers for Illegal Migrants located in Baku and Yevlakh cities. In the course of the visit, they monitored treatment and conditions, checked the relevant documentation, investigated appeals, reviewed the implementation of their previous recommendations and made new recommendations.

Ombudsman initiated to hold an event on the issue of migration processes and protection of the rights of migrants in Azerbaijan in close partnership with the State Migration Service and MLSPP and after which, the sounded recommendations were summarized.

Several citizens of the Russian Federation, residing in the territory of the country illegally have been assisted in obtaining necessary documentation, solving other problems and returning to their country of citizenship.

Protecting the rights of persons kept in places of detention and prisoners.

The measures were being continued to reconstruct the places of deprivation of liberty, which persons cannot leave on their own will, including TDPs, guardhouses, pre-trial detention facilities and prisons to meet the modern standards, improve the conditions and sanitary and hygiene services, reliable

protection of human rights in such detention facilities and for correction of prisoners.

During the examination of the appeals by the detained, arrested or imprisoned persons and their family members and inspections conducted, particular attention was paid to the issues of protection of dignity and honor of these persons, freedom of torture, protection of health, the realization of right for the appeal, legal aid and other rights provided by the law.

The Ombudsman appealed to the responsible bodies with proposals concerning the effective ensuring the rights of the arrested, including the convicted persons and relevant measures, have been taken.

In the course of the monitoring, the issues of treatment, detention conditions, health service provision, food ration, and quality, parceling, walks, organization of leisure time, meetings with family members and phone call and the situation of ensuring human rights and their appeals were specifically approached and investigated.

The outcomes of those visits were analyzed, recommendations for improvements in the relevant facilities were made to the competent state bodies, and kept a close watch whether their previous recommendations have been implemented or not.

The engagement of the incarcerated persons to social work is an important element in terms of their correction, financial support, and improvement of vocational training, socialization, and adaptation into the society after the release. This is necessary to increase the new areas of production, by engaging the entrepreneurs into this process, and consequently, reforming the prisoners by directing their physical workforce to healthy work through their involvement in social work.

By virtue of the measures taken to address the appeals on ensuring the right to health, the relevant persons have been subjected to medical examinations and involved inpatient and outpatient treatment.

In prisons, there are inadequate medical and social services and approaches to the treatment of the accused persons with disabilities and mental disorders. So, there are still problems in the determination of disability for imprisoned inpatient persons, suffering from mental retardation and other diseases.

Considering the recommendations of the Ombudsman, some imprisoned persons with disabilities were provided with the corset, foot prosthetics, straps, orthopedic shoes, and socks.

As well as, measures have been undertaken to address the extradition of imprisoned persons taking account of the relevant appeals by them and their family members.

At various times, the Ombudsman and staff members became familiarized with the situation of the female inmates and juveniles on the spot and organized events and meetings. The Ombudsman gave relevant recommendations during the awareness conversation.

In the course of the visit to the Women's Prison No. 4 in order to participate in the event held on the occasion of December 31 - International Solidarity Day of Azerbaijanis and New Year, the Ombudsman monitored the prison-production part, walking area, library, club and other places in the premises of the facility, the prisoners were heard in their demands and made recommendations for improvement of the detention conditions. The Ombudsman presented gifts to the inmates with minor dependants while monitoring their part in the facility.

With respect to the appeals of the prisoners and their family members, the Ombudsman submitted numerous motions to the Pardon Issues Commission under the President on a regular basis, which facilitated by the pardoning of 54 prisoners in 2019.

The staff members of the Ombudsman Office participated in penitentiary facilities' events organized on the occasion of the implementation of the Presidential Order on Pardoning Number of Prisoners of March 16, 2019. During the consultative-awareness conversation with those who released and joined the society and family, the staff members gave their advice to them.

It should be noted that in order to successfully integrate prisoners into society, it is necessary to engage society itself, in this process, as well as to strengthen the correction of prisoners through labor, religion, awareness measures and education methods.

Protecting the rights of military servicemen. Social security of military servicemen and persons with equal status, improving their sanatorium-resort treatment and living conditions, increasing regularly security of cadets of lyceum and military schools, strengthening social protection of the family members of martyrs, persons became disabled due to the fighting for the freedom and sovereignty of the country and increasing the level of state support to persons from similar categories are issues of utmost importance.

It is remarkable that the quality and food and stuff for military personnel have been evolved and serving and living conditions have been improved. Modular barracks were constructed for the personnel, serving in difficult conditions.

The appeals by military servicemen and their family members to the Ombudsman reflected the issues about delays in insurance payments provided by the legislation for military servicemen who died before the entry into force the Law on State Compulsory Personal Insurance, the legal heirs of military servicemen, who went missing, and ex-servicemen injured, but not yet received the insurance payment. They also asked for the housing of military servicemen in an active duty, reserved or retired, including the families of martyrs. Among the requests were the provision of monetary compensation for unused vacation days to reserved and retired military servicemen, as well as the determination of health status of some inductees. They also asked for consideration by the executive bodies of implementation of benefits and privileges that applied to family members of servicemen by law. The determination and payment of pensions to reserved and retired servicemen and obtaining archive records were also grounds for appeal.

Some applicants indicated that their adolescent children, who are unfit for military service were not appropriately certified by the regional branches of the State Service for Mobilization and Conscription.

Following the examination of the appeals on delays the responses of reserved and retired servicemen by the Central Archive of the Ministry of Defense, in all cases, the applicants have been provided with archive records.

The problems existed in the provision of compensation for unused vacation during the years of active duty provided by the legislation gave a reason for an appeal for some reserved and retired servicemen. The investigation conducted by the Ombudsman with regard to this matter revealed that the relevant bodies carried out the process of preparation of documents or the compensation would be paid upon the allocation of the finance for this. Therefore, it is necessary to allocate funding to the competent bodies in order to solve the problem.

Problems with the payment of insurance benefits to servicemen who lost their health during military service, as well as to those who died while on duty as a result of injuries or illness, must also be addressed.

The staff members of the Ombudsman visited military units, health and education facilities under the Ministry of Defense, Internal Troops of the Ministry of Internal Affairs and Civil Defense Troops of the Ministry of Emergency Situations and carried out legal awareness-raising activities addressed to the personnel.

In the frame of the measures undertaken service and living conditions of servicemen on active duty, health status and nutrition of soldiers, quality of health service in health departments and of food in the canteen, the bedrooms, recreation rooms, library, kitchen, bathroom, toilet were monitored. It was held meetings

with parents who came to visit their children and carried out an educational and explanatory conversation with them.

The experience shows that holding such regular measures played a significant role in terms of protecting human rights and freedoms of servicemen and further strengthening the ideology, legal awareness and education, determination to fight, psychological state, loyalty to motherland, and spirit of patriotism in the armed forces of Azerbaijan.

The Ombudsman delivered a speech in the event held in the Military Lyceum named after J. Nakhchivanski on the occasion of December 31 – the Day of Solidarity International of World Azerbaijanis and the New Year. In the course of the visit, she monitored educational and medical units, sports complex, dormitory for cadets, canteen and other administrative units in the premises of the education facility; had a meeting with staff, and presented souvenirs to cadets excelled in education and discipline.

This is important to take precautionary measures against possible illegal violations in military units, especially to increase the attention of commanders to the organization of educational work, also to increase demands on the military officials responsible for personnel.

The Ombudsman made recommendations for effective implementation of duties by the armed forces, elimination of possible causes of unpleasant situations, further increasing of ideological, legal awareness and educational work with the personnel, strengthening of the spirit of determination to fight, psychological condition, service in a line with the regulations and laws, loyalty and patriotism of servicemen, effective ensuring the rights of servicemen, further improving their social and living conditions.

Protecting the rights of women and gender equality. Ensuring women's rights, addressing issues related to their education and health, overcoming existing stereotypes in the field of gender equality, and protecting the position of women in public life have been in the focus of the Ombudsman's activities.

Eventually, the appeals addressed to the Ombudsman were mainly about labor rights, alimony and enforcement of court decisions, domestic violence (DV), education, property, protection of health, freedom to conduct business, social benefits, and other issues.

In addition to investigating gender stereotypes and cases of discrimination on these appeals, an examination was conducted and measures were taken on political, social, family issues, reproductive health, and other issues that core elements of gender equality.

The competent bodies were addressed to solve the employment problems of women, to extend their economic opportunities, to provide them with microcredits and other funding, and to solve problems of women entrepreneurs engaged in a small and large business in urban and rural places. All these requests have resulted in overcoming the difficulties of tens of women entrepreneurs.

At different times, the Ombudsman and staff members organized awareness seminars and training for women living in various parts of the country, including remote areas and rural places on gender equality, domestic violence, human trafficking, and early marriages by the involvement of CSOs and communities. As a consequence of regular awareness work, hundreds of women became aware of their rights and provided with free legal advice at their requests.

In addition to protection, promotion, and ensuring the rights of women, the Ombudsman has provided her support for the education on women's rights in close cooperation with the State Committee on Family, Women and Child Issues, competent state bodies, international organizations, CSOs and the community members.

During the term of the Ombudsman, specific attention was paid to the issues of violence against women, including strengthening the fight against DV, work with those affected by such a negative impact, and in general, to all gender-related issues. The attention of state and NGOs, deputies, UN various specialized agencies, and the community was drawn to this matter taking into account the importance of the issues of mother and infant health as national priorities in the country and as one of the UN Sustainable Development Goals.

For several years now, on the initiative of the Ombudsman, "Human Rights" and "Introduction to Gender" subjects have been taught at the law and other faculties in Baku State University and the students have been provided with the educational tools related to both subjects. Undergraduate and graduate students have an internship with the Office and they are given lectures on women's rights, gender equality, and how to fight against violence and other issues.

The Ombudsman Office also regularly conducts monitoring of the issue in relation to the involvement of girls in schooling. Education of women and being engaged in any labor activity significantly contribute to the elimination of their economic dependence, an increase of their reputation, stability in the families, decreasing divorces, and consequently with ensuring the child rights and overcoming gender inequality within the society.

Awareness work has been carried out with regard to ensuring equality and active participation of women in decision-making, broadly promoting leadership skills, active participation of women in elections.

Staff members of the Ombudsman Office have participated in the event under the theme “Gender violence is a tragedy of our society” held in secondary schools No. 142, 187, 198, 295, and 311 of Sabunchu district.

The Ombudsman recommended ratifying the CoE Convention on Preventing and Combating Violence against Women and Domestic Violence (also known as Istanbul Convention).

Failure to decrease early marriages and early pregnancies as its negative effects, and common-law marriages remain serious problems in ensuring the rights of women.

Underage girls, both physiologically and psychologically unprepared to become mothers lose the opportunity to defend their rights and realize their physical and mental potential by staying out of school.

For preventing early marriages the Ombudsman considers it necessary to amend wording “*age of 16*” in the title of Article 152 of the Criminal Code to “*age of 18*” and to remove the part of Note to this Article of the Code, which states that [..liability for crimes provided for in Articles 152 or 153 of this Code shall arise when the age difference between the perpetrator and the victim is more than two years] and from Article 10.2 of the Family Code...].

Protecting the rights of the child. Appeals on child rights violations, violation of the rights to education and property, organization of medical examination and treatment, providing with accommodation, determination of targeted state social allowance, domestic violence, and other issues have been inspected. It has been given legal advice and taken the necessary measures.

Appeals about the right to education indicated the issues of refusal of the electronic applications for admission of children to the first grade, especially in the Russian section, the lack of vacant places when registering online for admission to a preschool group of the Russian department, admission and transfer of children to general secondary educational facilities, unjustified expulsion from school, and truancy among minors.

Considering the development of out-of-school institutions, similar institutions are important for effective organization of children's leisure time and development of their creative abilities. Therefore, this is necessary to improve the work of these facilities and to increase further the knowledge and skills of their employees.

On the requests of the Ombudsman, children living in various cities and districts have been medically checked and treated at the expense of the state budget and provided with medications. Maternal and infant mortality, as well as

failure to register such cases as they happened at home give a reason for serious concerns. This is necessary to take urgent preventive measures.

Lack of medical centers and school psychologists in some secondary schools negatively affect the health of children and caused various complications.

The use of cigarettes and substances by children and youth in secondary schools is another issue of concern. This is important to strengthen the control of state bodies and society members against sale alcohol and tobacco products to children, as provided by the law to eliminate this problem.

The information about child abuse, domestic violence has also been investigated and necessary measures have been taken.

Taking into account of the case of two minors abused by their parents in Zabrat settlement in Sabunchu district of Baku and the possible recurrence of child abuse and public and legal content of an issue, the Ombudsman appealed to the Prosecutor- General of Azerbaijan to investigate the case and take measures for bringing responsible persons into justice and also, to inform her about the findings.

The Ombudsman recommended ratifying the CoE Convention on Protection of Children against Sexual Abuse and Sexual Violence (as Lanzarote Convention). Incidentally, that Convention was approved by the relevant Decision of the Parliament.

The Ombudsman once again recommends ratifying the draft Law on Protection of Children from Corporal Punishment that prepared with the support of the UNICEF and approved by the Parliament in 2009.

On the eve of the anniversary of the Convention on the Rights of the Child (CRC) and in the frame of the “Child Rights Month-Long Campaign” held in our country, it was organized various awareness-raising events from October 20 to November 20.

In 2019, for the first time, with the support of the Pirallahi District Executive Power, it was held a legal awareness-raising event at the secondary school No. 131 named after the National Hero of Azerbaijan R.Ibrahimov located on Chilov Island.

The Ombudsman’s NPM Group members carried out planned visits to state child-care facilities regularly, including Temporary Detention Juvenile Center under the Baku City Main Police Department of the Ministry of Internal Affairs and Guba Correctional-Vocational School. As a consequence of this visit, the staff members of the facilities who had defects in the work have been punished.

This is important to extend in the legislative acts the social benefits for large families. The Ombudsman and the staff members visited the children with limited health capacities many times and studied their situation and problems.

The Ombudsman received the appeals about the appointment of a legal guardian and foster care for children deprived of parental care, social security of these children, and other issues. All the issues were investigated and the necessary measures have been taken. The analyses showed that alternative services may have significantly reduced the risk of children placed in such facilities.

The alternative services were not sufficiently developed and the Regulations on the foster family have not been approved to prevent children to be placed in such facilities. The control over the process of de-institutionalization in social-care institutions, especially in orphanages should be strengthened.

For safeguarding the best interests of the children in conflict with the law, the adoption process of the draft Law on Juvenile Justice be amplified. The Ombudsman recommends considering alternatives to imprisonment for juveniles.

Protecting the rights of the elderly. Many steps were undertaken for social protection of the most vulnerable groups of the population, including the elderly.

The Ombudsman focused specifically on the situation and protecting the rights of the aged persons and took many actions to solve their problems.

The Ombudsman continued to cooperate with state authorities, international organizations, and CSOs in the field of investigation of appeals about violations of the rights of older persons, restoration of the violated rights, studying the situation, improvement of the relevant laws, and drafting recommendations for awareness and promotion.

The appeals of the elderly about the violations of labor and property rights, issues of property and inheritance, medical examination and treatment at the expense of the state budget, provision with accommodation, and assistance in placement in nursing homes have been examined and necessary measures have been taken.

A few appeals of the aged persons indicated dissatisfaction with the low amount and incorrect calculation of pension. Therefore, this is essential to adapt gradually pensions that are the main source of income for the aged persons, to real needs as a part of the measures taken for improvement and development of the social protection system.

The monitoring conducted by the Ombudsman and examinations of the appeals showed that this category of the population needed special care, needed

to be educated about how to protect their rights and legal interests and health and education issues.

The Ombudsman carried out analytical works with regard to the situation of the elderly along with the awareness work made her suggestions and recommendations.

Taking into account of active participation of older persons in the socio-economic and political life of the society, solidarity among generations and the necessity of strengthening the close collaboration among state bodies, civil society and private sector for the solution of age-related problems, the Ombudsman made recommendations to the competent state bodies and consequently, relevant steps have been taken.

At the request of the Ombudsman, staff members carried out monitoring of social-care institutions for older persons at different times, became familiarized with their situation, and put forward recommendations for solutions to their problems in relation to housing, social protection, and health. The staff members have taken up the appeals of the older persons and took action for the investigation and solution of their problems.

Protecting the rights of persons with disabilities. The appeals about protection and promotion of the rights of the PWDs, necessary steps have been taken for the solution of their social-legal problems and it has been carried out inspections of their appeals have been conducted; and relevant measures were taken in cooperation with the competent state authorities for the restoration of the violated rights.

The noted appeals were related to the proper determination of the degree, duration, cause of disability, percentage of occupational disability due to the occupational injury and disease as well as the need for additional costs, labor guarantees and disability of children under the age of 18, provision of medical examination and treatment and medications from the state budget, the realization of the right to education, and provision with housing, automobile and wheelchair and on other issues.

Based on the Ombudsman's request measures for adequate assessment of disability and health disabilities have been taken. The PWDs have undergone medical examination and treatment in the relevant medical and rehabilitation centers and were provided with sanatorium-resort referrals, prosthetic and orthopedic products, rehabilitation equipment, wheelchairs, technical and other rehabilitation tools. In addition to this, the persons became disabled due to the war have been given accommodations and cars.

The Ministries of Health, MLSPP were appealed respectively, in order to assist in the assessment of the disability of persons, directed to the Medical and Social Expert Commissions by the treatment and prevention institutions through their examination and compiling electronic referral forms afterward.

The Ombudsman's recommendations are being considered in the process of complex measures taking for creating reasonable conditions for the free access and exit of wheelchairs to residential houses, public transport, necessary social and infrastructure facilities (kindergarten, school, medical institution, post office, etc.) (renovation of roads and pavements, installation of ramps in accordance, special escalators, lifts meeting recognized standards and other similar equipment) and making educational institutions accessible to such persons.

According to recommendations of the Ombudsman, the necessary measures have been already being taken for recognizing sign-language as an official language as that is the only communication method for persons with hearing impairment, including of it into the relevant academic curriculums, preparing sign-language interpreter specialists, in particular, and taking necessary measures for extension and development of this language in the future.

The solution to the problems of children with autism spectrum disorder (ASD) has still remained as issues of priority. There is a need for extension of the network of preschool, preliminary and secondary school education facilities and specialized rehabilitation and development centers for such children, and training of qualified and professional specialists. The promotion of the rules of behavior with such children and studying international rehabilitation experience are very important in solving not only the medical but also social and psychological problems of these children.

Heydar Aliyev Foundation has always paid attention to the problems of children with ASD and has taken significant measures in the concerned area.

The First Vice-President of the Republic of Azerbaijan, Ms. Mehriban Aliyeva paid a visit to the Rehabilitation Center for Children with Autism, operating under the "United and Healthy" Public Union, which has been functioning with the support of Heydar Aliyev Foundation and she did not spare her care for such children.

The appeals of the Ombudsman in relation to the performance of a surgical operation on persons, including children with congestive heart failure and severe hearing loss at the expense of the state budget by local or international experts invited to the country, dialysis sessions of persons suffering from chronic renal failure, provision of Lantus and other sugarcane preparations to people with diabetes have been taken into consideration.

During elections, the stencils for voters with visual impairments were prepared in Braille, and ramps or portable ramps were installed to make easier the access of voters with reduced mobility to enter the polling station without any barriers.

The Ombudsman recommended exempting from the tuition fees of PWDs, who study on a paid basis in both public and private higher and secondary vocational education institutions and who do not have the finance to cover the tuition fees.

Incidentally, according to the Presidential Decree of 3 May 2019, from the 2019/2020 academic year, the tuition fees are paid from the state budget for persons with I and II degrees of disability and children with disabilities under the age of 18, who are studying on a paid basis at the undergraduate and graduate (basic (higher) medical education and residency) levels, at master level in the Azerbaijan National Academy of Sciences and in secondary special education institutions. In addition to this, as the economic opportunities of our country increase, it is advisable to funding the education of children of the people from the categories noted above from the state budget.

It is also necessary to speed up the approval of the draft “National Action Program for the Protection of the Rights of PWDs”, as well as the “Rules on creating the necessary working conditions for PWDs in designing of buildings and facilities”, which was drafted by considering many of the recommendations of the Ombudsman.

II CHAPTER

ACTIVITY IN THE FIELD OF LEGAL EDUCATION, SCIENTIFIC-ANALYTICAL WORK, INFORMATION AND COOPERATION WITH CIVIL SOCIETY INSTITUTIONS AND INTERNATIONAL RELATIONS

2.1. Human Rights Education

Activities in the field of human rights education, which aim to refine legal culture and capacity building in the concerned area has been continued in

cooperation with state bodies, NGOs, mass media, community members, and international organizations, along with the restoration of the violated rights.

Effective cooperation with state agencies, NGOs, and mass media, community members, and international organizations in the field of human rights was continued. It was launched human rights events in Baku and other districts during the “Human Rights Month-long campaign” annually announced across the country between May 18 and June 18. As an outcome of this campaign, on the occasion of the 25th anniversary of the Commission and “June 18 - Human Rights Day in Azerbaijan”, XVI Baku International Conference of Ombudsmen was organized on the theme the “Role of Ombudsmen in Achieving Just Peace and Sustainable Development Goals” on June 18-19, 2019 co-organized and supported by the Ombudsman and National Commission of the Republic of Azerbaijan for UNESCO.

The Ombudsman Office and educational institutions hosted a series of events dedicated to the 96th anniversary of the National Leader Heydar Aliyev. The participants were informed about the rich heritage and activities of the National Leader, as well as his decisions in the field of regional development, official visits paid to the districts, and meetings with the population.

The Ombudsman Office and its Regional Centers also hosted a number of events commemorating the tragedy of January 20 and Khojaly Genocide, and March 31 - Day of the Genocide of Azerbaijanis.

It has been held a final conference dedicated to the results of the writing competition for journalists under the theme "Rights for All!" and children's drawing competition titled respectively "Me and my rights" co-organized with the UN Country Representative on the occasion of December 10 - International Human Rights Day. The winners of both competitions were rewarded.

Up to the present day, in general, 399 students had an internship with the Ombudsman Office. In 2019, 27 undergraduate and graduate students from Baku State University, Academy of Public Administration under the President of the Republic of Azerbaijan, “ADA” University, Azerbaijan State University of Economics, Azerbaijan University of Languages, Baku Slavic University and other higher education institutions of the country, had an internship with the Office.

In 2019, for the first time, the Ombudsman attended a thesis defense at the Masters level on the Human Rights specialization of the Law Faculty of Baku State University in the capacity of a chair of the Council for Master Thesis Defense. She highly appreciated the theoretical and field knowledge and skills of interactive discussion of the students.

The Hierarchic Child Rights Education Project, which has been running in secondary schools of the capital city and districts constantly and on the initiative of the Ombudsman since 2009/2010 academic year in cooperation with the Ministry of Education was successfully continued.

Thus, during 2018/2019 academic year, the Project has been realized in various secondary schools of Baku and its surrounding districts, including secondary school 162 in Sabail, 139 in Garadag, 271 in Sabunchu, 39 in Narimanov, 279 in Surakhani, 229 in Nizami, 286 in Yasamal, 144 in Binegedi, 19 in Nasimi, 116 in Khatai, 26 in Kazar, 131 in Pirallahi, and other districts across the country such as Agstafa, Gazakh, Jalilabad, Bilasuvar, Sheki, Gabala, Khizi, and Siyazan through selecting one school per district. The Project has been run totally in 20 schools.

1285 students, who successfully completed the project and learned the skills of traineeship were awarded certificates and over 80 school principals and teachers have been given certificates of appreciation.

The persons newly admitted to service in various facilities of the Ministry of Justice have been trained about the “Monitoring carried out by the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan within the activity as the NPM: in the light of national and international contexts” in the Academy under the relevant Ministry.

In the frame of the annual international campaign “The 16 Days of Activism against Gender-Based Violence” initiated by the UN that kicks off on November 25, the International Day for the Elimination of Violence against Women, and runs until December 10, Human Rights Day, Ombudsman’s Ganja Regional Center hosted a legal-awareness event on the fight against gender-based violence. The participants were informed about violence committed by abuse of close kinship, cohabitation or previous informal marriage, on how to prevent negative legal, health and social effects, on social protection and provision of victims of domestic violence with legal assistance, and on requirements of the Law on Prevention of Domestic Violence.

The Ombudsman’s four Regional Centers located in Ganja, Jalilabad, Guba, and Sheki hosted awareness events on various human rights topics.

The Ombudsman and staff members have participated in the events held on the occasion of the March 21- World Down Syndrome Day, 2 April- World Autism Awareness Day, May 5 - European Independent Living Day, December 3 - International Day of Persons with Disabilities, June 1 - International Children’s Day and November 20 - World Children’s Day, met with PWDs and monitored of the facilities they were placed in.

A range of awareness events on peace and human rights have been launched in Baku and other districts with the participation of the staff members of the Office and its four Regional Centers. These events were held in the frame of Peace Month-long campaign, running between August 21 - September 21 on the occasion of the September 21 - International Day of Peace. All events have been spread through mass media on a regular basis.

In preparation for the “Cairo + 25” conference held in 2019 on the occasion of the 25th anniversary of the International Conference on Population and Development (ICPD), a series of events were organized in Lankaran, Ganja, Sheki, and Guba, covering 35 cities and regions.

The Ombudsman Office and its Ganja, Sheki, Guba and Jalilabad Regional Centers in cooperation with Republic Center of the Struggle against AIDS organized series of training and seminars at places on the eve of the December 1- World AIDS Day, as a part of the fight against HIV/AIDS, drug addiction, and infectious diseases that raise concerns at the national level. Educational materials were developed and taken awareness measures.

In order to effectively organize the activities in the field of legal education, seven publications were published and disseminated.

The publications of the Ombudsman Office have been demonstrated in exhibitions held in the National Library, other cities (district) central libraries, and in XVI Baku International Conference of Ombudsmen during 18 June- National Human Rights Day, human rights, peace and child rights month-long campaigns.

In 2019, at VI Baku International Book Fair organized by the Ministry of Culture, the Ombudsman Office was awarded the diploma of participation.

An annotated electronic card index of articles reflecting the activities of the Ombudsman Office in foreign and national media has been compiled and made available to the readers of the Ombudsman’s Human Rights Library.

2.2. Scientific-analytical work

Several actions have been taken by the Ombudsman in the field of legal analyses and improvement of the legislation.

The proposals for additions and amendments to the Criminal, Civil, Civil-Procedure Codes, and to the draft laws on “Human Organ and Tissue Donation and Transplantation”, “Protection of the Reproductive Health” and on the “Amendments to the Labor Code” were drafted and submitted accordingly.

The official letters about improvements of the legislation transferred by the Ministry of Justice to the Ombudsman have been analyzed and appropriate opinions and recommendations were issued.

For the upcoming years, it was recommended to develop and approve the Action Program on Provision of Oncology-Patients with Anti-Tumor Drugs.

Taking into account many paragraphs of the National Program for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan, a new draft Program was developed. Opinions and proposals were issued on the National Action Plan on Preventing and Combatting Domestic Violence for 2019-2023 years, National Strategy on Children for 2019-2029 years, National Action Plan on Gender Equality for 2020-2024 years, and the National Action Plan on Eliminating Sex-Selection of a child to be born in Azerbaijan and submitted to the relevant bodies accordingly.

The implementation of the National Program for Action was analyzed and summarized. It was published in the book on the “Results of the National Program for Action Raise Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan for 2019”, which was submitted to relevant agencies as well. Besides, the electronic version was placed on the website.

It has been issued the opinions, proposals, and suggestions concerning the draft National Action Plan on the Implementation of the UN Security Council Resolution (S/RES/1325) on women and peace and security in the Republic of Azerbaijan for 2020-2023 years and submitted accordingly.

The information on activities carried out in the frame of the Development Concept “Azerbaijan 2020: Outlook for the Future” was summarized and submitted to the Ministry of Economy.

The necessary information about the activities of the Ombudsman concerning the call for submissions on topics “Scope of the legal limitations on human rights in emergencies” and “Resolving ‘Protracted Conflicts’: The Tools and Mechanisms of the OSCE,” addressed to the Ombudsman by the Human Rights Committee of the Parliament of Azerbaijan to be discussed in the meetings of the Committee on Political Affairs and Security, Committee on Economic Affairs, Science, Technology and Environment as well as Committee on Democracy, Human Rights and Humanitarian Questions was prepared and submitted respectively.

Another call for submissions about the Ombudsman’s activities, addressed by the Ministry of Foreign Affairs was prepared for use in preparing of “Common

core document” to be submitted to the UN Human Rights Treaty Bodies along with the periodic reports and submitted accordingly.

The Ombudsman once again recommends ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, signed by Azerbaijan on September 24, 2009, but not yet ratified.

2.3. Cooperation with public and civil and social institutions

Public Affairs and Cooperation with NGOs. Effective cooperation with CSOs was continued in the field of reliable protection of human rights.

The Council of independent Experts at the Ombudsman, consisting of various specialized NGOs and independent experts, analyzed different aspects of the human rights issues, held discussions on the improvement of the national legislation and implementation of the international legal documents and developed proposals accordingly.

The activities of the NPG of the Ombudsman and the WG on Business and Human Rights, which included representatives of government agencies and CSOs, have been crucial, as well.

At the initiative and organization of the Ombudsman, a range of events dedicated to the human rights priorities was held with the participation of government agencies, NGOs, community and society members, and experts in various fields.

The events were held in commemoration of the anniversary of the tragedy of January 20 and Khojaly Genocide, “March 31 - Day of Genocide of Azerbaijanis”, National Youth Day, World Health Day, 96th anniversary of the National Leader Heydar Aliyev, May 28 - Republic Day, June 1 - International Children's Day, June 15 – Day of National Salvation of Azerbaijani People.

Series of events have been organized to mark various holidays, including those organized in Fuzuli and Jojug Marjanli due to the June 18 - Human Rights Day in the Republic of Azerbaijan and the Peace Month-long Campaign and the National Day of Knowledge. Similar events were held in various districts to celebrate the 18 October - Independence Day and November 12 - Constitution Day. Alike, the events were held in Baku and districts within human rights, peace, and child rights month-long campaigns. The Ombudsman also hosted a conference dedicated to December 10 - International Human Rights Day and held an exchange of views and experiences and put forward recommendations and suggestions.

Cooperation with mass media. Special attention was paid to the relationship with Print, Broadcast, and Internet media. News releases providing information on the main directions of the activity and measures taken by the Ombudsman were prepared. The news was operatively delivered to the media, numerous news agencies, various newspapers and magazines, TV and radio channels, and online news portals.

Important conferences, round tables, events, training seminars held by the Ombudsman in Baku and districts were covered by the country's leading media, TV and radio channels, and newspapers, as well as regional correspondents.

This year, in the press, it was published 1,059 news articles and information on the activities of the institution; it was released 12 monthly information bulletins; there were published 171 news releases prepared by the Press Office of the Ombudsman. The news releases were translated into English and sent to the CoE and other outstanding international organizations.

The statements by the Ombudsman issued in relation to the 29th anniversary of the January 20 tragedy, 27th anniversary of the Khojaly Genocide, March 31 – Day of Genocide of Azerbaijanis have been addressed to the UN Secretary-General, UN Security Council, UN Office of High Commissioner for Human Rights, UN Office of High Commissioner for Refugees, UN Human Rights Council, the UN Children's Fund, the UN Educational, Scientific and Cultural Organization, EU, CoE, Organization for Security and Co-operation in Europe (OSCE), International and European Ombudsman Institutes IOI/EOI, Asian Ombudsman Association (AOA), Organization of Islamic Cooperation (OIC) and the Ombudsman Association of its member states, Independent Permanent Human Rights Commission of the Organization of Islamic Cooperation, European Network of Ombudspersons for Children (ENOC), International Peace Bureau, different ombudsmen and national human rights institutions, embassies of the Republic of Azerbaijan in foreign countries and the foreign embassies in Azerbaijan, as well as to the Azerbaijani Diasporas; furthermore, texts of statements were published in the periodic news, online news portals, and broadcasted through TV and Radio channels.

The relationships with the media, including flexible, dynamic new media structures with superior qualities, websites, digital newspapers, and online news portals were focused specifically.

The winners of the journalist writing competition titled "Rights for All!" held on the occasion of the International Human Rights Day were rewarded.

2.4. International relations

The main goal of the Ombudsman in the field of international relations was to establish or further develop existing relations with foreign ombudspersons, international and regional human rights organizations. Among those international organizations - the UN, its specialized agencies and Treaty Bodies, EU, CoE, OSCE, European Network of National Human Rights Institutions (ENNHRI), ENOC, IOI, AOA, and the OIC Ombudsman Associations and others, occupy special space.

XVI Baku International Conference of Ombudsmen titled “Role of Ombudsmen in Achieving Just Peace and Sustainable Development Goals” was held with the organization of the Ombudsman and support of the National Commission of the Republic of Azerbaijan for UNESCO.

The Ombudsman has delivered a speech on the “Role of the Mediation in the Protection of Family and Experience of Azerbaijan” during II Symposium on Right to Protection of the Family within the context of Human Rights, on April 29-30, 2019, in Ankara, held by the Human Rights and Equality Institution of Turkey.

The Ombudsman participated in the international scientific-practical conference “Commissioner for Human Rights in the Republic of Tajikistan: Achievements and Prospects” organized by the Commissioner for Human Rights of Tajikistan in Dushanbe. In this international event, the Ombudsman delivered a speech on International Legal Norms in the Activity of the Ombudsman in the session “Role of National Human Rights Institutions in Fulfillment of International Human Rights Obligations” providing broad information about the experience of Azerbaijan.

The Head of the Office took part in the conference on the topic “Impacts of artificial intelligence development on human rights, democracy and the rule of law” (AIFINCoE) in Helsinki, Finland, co-organized by the CoE and the Finnish Presidency of the CoE Committee of Ministers. He made a speech about the impacts to democracy of the developing and effective implementing the “e-Government” and underlined that “e-Government” in Azerbaijan was developed based on international experience, the relevant legal framework was created in this regard, and that online application service to the Ombudsman was integrated into the “e-Government” portal.

Another international event, where the Head of the Ombudsman Office participated in was the Human Dimension Implementation Meeting of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), which was held annually in Warsaw. He made speeches at working sessions on democratic institutions, freedom of information and media, democratic elections, the role of civil society in protecting human rights, humanitarian issues, combatting human trafficking, equal opportunities for women and men, freedom of religion, the

rights of refugees and IDPs and other topics.

The Head of the Office also took part in the Supplementary Human Dimension Meeting on Effective Multilateralism in the OSCE Human Dimension co-organized by the Slovak Presidency and the OSCE ODIHR in Vienna. He delivered presentations on “Multilateral cooperation as a means of enhancing the effectiveness and independence of NHRIs in OSCE participating states” and “Multilateral responses to online violence against women and girls”.

The Deputy Head of the Department at the Ombudsman Office and the Head of Ganja Regional Center of the Ombudsman took part in the High-Level Conference for the CoE European Commission against Racism and Intolerance (ECRI’s) 25th anniversary in Paris, France. In his speech, the Deputy head spoke about activities of the Ombudsman Office in preventing discrimination, studying international experience that is very crucial, and highlighted the importance of strengthening legal awareness in the detection of hate speech or discrimination.

The regional event held in Chisinau, Moldova in the framework of the CoE and EU joint Project on Partnership for Good Governance I under the theme “Strengthening access to justice through non-judiciary redress mechanisms for victims of discrimination, hate crime and hate speech” was attended by the Deputy Head of the Department and the Head of the Guba Regional Center of the Ombudsman Office as well. The Ombudsman’s representative recommended creating Anti-discrimination Database in the NHRIs and conducting the legal analysis of the information obtained, which was welcomed.

The Head of the Sector at the Ombudsman Office took part in the meeting held in Kazan, Tatarstan, on the topic “Protection of Citizens’ Labor Rights”, organized by the Coordinating Council of Commissioners for Human Rights in the Russian Federation, together with the seminar on improving the procedures for processing appeals of foreigners and stateless persons, launched with the organization of the Russian Federal Ombudsman.

The Head of the Sector had reported in the international conference on “Protection of the rights of the child during armed conflicts” dedicated to the 30th anniversary of the adoption of the CRC, co-organized by the UNICEF and the Ukrainian Parliament (Verkhovna Rada) Commissioner for Human Rights (Verkhovna Rada) in Kyiv, Ukraine.

The Ombudsman Office is represented in two WGs on Asylum and Migration and Convention on Rights of Persons with Disabilities (CRPD) jointly created by the European Network of National Human Rights Institutions (ENNHRI), International Ombudsmen Institutions (IOI), and Global Alliance of National Human Rights Institutions (GANHRI) within the framework of the Strategic Plan (SP) for 2018-2021.

The staff member in charge of migrant issues at the Office made a speech on the organization of preventive measures to avoid irregular migration, forced labor, and human trafficking in the next meeting of the Asylum and Migration WG in Zagreb, Croatia.

The staff member participated in the next meeting of the Asylum and Migration WG of ENNRI in Spain and visited the center for migrants and refugees in Madrid.

The staff member participated at the annual meeting of the ENNHRI WG on the Protection of the Rights of PWDs in Brussels, Belgium, and spoke about the “State Program for the Development of Inclusive Education for Individuals for 2018-2024” approved in Azerbaijan following Article 24 of the CRPD and put forward proposals.

Furthermore, the staff member of the Office participated in the NHRI Academy-2019 co-organized by ENNHRI and ODIHR in cooperation with Global Campus for Human Rights in Venice, Italy. The Academy included sessions on the issues of protection, promotion, and monitoring of economic and social rights. The staff member of the Ombudsman was awarded a certificate of participation.

The staff member of the Ombudsman Office took part in sessions of the next ENNHRI annual international conference on the impacts of artificial intelligence on human rights, and the implementation of CoE Recommendations to the NHRIs, which was held in Brussels, Belgium.

A Capacity Building for Human Rights Policy program, co-organized by the Korea International Cooperation Agency (KOICA), and the National Human Rights Commission of Korea (NHRCK) in Seoul and Seongnam, South Korea was also attended by the staff member of the Ombudsman Office.

As a member of the Network, the staff members have participated in the 23rd ENOC Annual Conference and General Assembly meeting held in Belfast, Northern Ireland.

The staff member of the Ombudsman, who is in charge of military issues took part in the 11th International Conference of the Ombuds Institutions for the Armed Forces (ICOAF) in Sarajevo, jointly organized by the Geneva Centre for Security Sector Governance (DCAF) and the Parliamentary Military Commissioner of Bosnia and Herzegovina.

The staff member of the Office attended a training course on “Innovation and Digital Transformation of the Public Sector” organized by the École Nationale d’Administration (ENA) in Paris, France, and was granted a certificate of qualification.

The staff member participating in the 8th session of the UN Business and Human Rights Forum in Geneva, Switzerland, spoke about legal reforms undertaken in the country.

At different times, official meetings were held with the officials from foreign countries and international organizations. International officials, who paid a visit to the Azerbaijani Ombudsman Office are Dr. Lothar Jahn, authorized member of the German Society for International Cooperation (GIZ) and Mr. Thomas Meyer, the Header of Regional Project “Legal Approximation towards European Standards in the South Caucasus”, Ms. Anka Sandesk and Mr. Menno Etteman, Coordinators of the Regional Project “Strengthening Access to Justice through Non-Judiciary Redress Mechanisms for Victims of Discrimination and Hate Crimes in the Eastern Partnership Countries” under the CoE and EU Joint Partnership for Good Governance, CoE delegation headed by Alexandre Guessel, the Director of Political Affairs Directorate, CoE Fact-finding Mission headed by Ms. Naomi Trewinnard, Senior Project Officer on “End Online Child Sexual Exploitation and Abuse@Europe” (ENDOCSEA@Europe), delegation headed by Ms. Dunja Mijatovic, COE Commissioner for Human Rights, CoE delegation composed of Ms. Caterina Bolognese, Head of Gender Equality Division, Ms. Sara Haapalainen, Policy Adviser of Capacity-building and co-operation projects of the Division and Mr. Zoltan Hernyes, Head of CoE Baku Office, delegation led by Mr. Hideo Ohnishi, the Parliamentary Vice-Minister for Internal Affairs and Communications (MIC) of Japan, as well as the UN Fact-finding Mission headed by Hilal Elver, the UN Special Rapporteur on the Right to Food, Prof. Michel Kazatchkine, Special advisor to the Joint UN Program on HIV/AIDS for Eastern Europe and Central Asia, and Ms. Tatyana Merzlyakova, the Commissioner for Human Rights of the Sverdlovsk Oblast of Russia; and it was held discussions on the relevant issues of human rights.

In addition to this, the Ombudsman also received Mr. Erkan Özoral, Ambassador Extraordinary and Plenipotentiary of Turkey to Azerbaijan, Mr. Gulam Ishaqzai, UN Resident Coordinator, Mr. Edward Carwardine, UNICEF Representative to Azerbaijan, Mr. Vladimir Gjorgjiev, Chief of Mission of the International Organization for Migration in Azerbaijan. During the meetings, the parties exchanged views on the protection of human rights and freedoms at the national level and discussed the relevant international and existing national experience and possible future perspectives of mutual cooperation.

CONCLUSIONS AND RECOMMENDATIONS

The Ombudsman operated in a close cooperation with the state authorities responsible for ensuring the human rights and freedoms envisaged in the Constitution and other legislative acts of the Republic of Azerbaijan, as well as with CSOs, international organizations, and foreign ombudspersons. She also took the initiatives in the improvement of the legislation and enforcement and monitoring of the state programs, delivered proposals and suggestions for solutions of various problems, in addition to the actions taken for the restoration of the violated rights and prevention of human rights violations.

The proposals and suggestions put forward by the Ombudsman to the competent state bodies, and also indicated in the annual reports have been taken into consideration while adopting various legislative acts and in daily works of the state bodies. However, some of the proposals and suggestions are still pending.

In addition to the aforementioned, the control over the activities of executive bodies, as well as departments, facilities, and organizations subordinated to state bodies, obedience to the laws, and the rules of ethical conduct in relation to citizens should be strengthened. The measures to increase the level of professionalism and the notion of responsibility of employees ought to be continued.

In general, the inspections and analyses of the Ombudsman argue that oversight of the activities of each state body and its subordinate bodies responsible for ensuring human and civil rights and freedoms should be further expanded, and maximum transparency must be ensured.

In addition to the previously mentioned, the outcomes revealed by the Ombudsman in the course of the restoration of the violated rights and putting an end to violations of human rights show off that the Constitutional Law on the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan is necessitated to be made additions and amendments, respectively.

This is important to improve the institutional structure of the Ombudsman Office in order to undertake the measures aimed at strengthening the monitoring capacity over the fulfillment of the Law on Access to Information as stated in the National Action Plan for the Promotion of Open Government for 2016-2018 approved by the Presidential Decree dated April 27, 2016.

There is also a need to establish an “Electronic Document Management System” in the Ombudsman Office, to involve specialists in this work and to update the material and technical base of the institution for facilitating the

handling of documents, including more reliable management, collection, registration, formation, transmission, accessibility, protection and archiving of appeals and information addressed to the Ombudsman, as well as integration into the interdepartmental e-document management system and to increase the quality of service.

Expansion and further intensification by the Ombudsman of relations with local, regional, and international organizations following the areas of activity defined by the Constitutional Law, is a requirement of the times and current challenges. Therefore, evolved from the requirements of the relevant Constitutional Law and international experience, the allocation of public funds to the Ombudsman Office to ensure its continued participation in international events, to organize international human rights events, and to cover membership fees to regional and international organizations would be an enormous support to the activity of the Ombudsman.

To more effectively ensure human and civil rights and freedoms, the Ombudsman proposes the following:

- Ratifying the Optional Protocol to the UN International Covenant on Economic, Social and Cultural Rights (signed by the country on September 24, 2009);
- Adding Article 9.6 of the Migration Code of Azerbaijan, which states:

Information on the citizens whose right to exit and enter the country is restricted shall be entered into the restrictions lists of the interdepartmental automated data research system “Entry-exit and registration”, and after the elimination of the relevant grounds, the active status of that information shall be changed and the next new sentence in wording, as such:

“The citizens shall be notified as soon as possible, but no later than 24 hours in all cases when the data on citizens was entered into the restrictions lists or the active status of that information has been changed.”

- Providing rural hospitals across the country with an electronic signature to be able to give the newborn babies, born in the area of their service with birth certificates on time in order to prevent the violation of the right to freedom of movement of newborns and issue such a medical document within a reasonable time specified by the law;
- Creating Alimony Fund, financed from the state budget so as to payment of the child support alimony defined by the court.
- Ensuring payments by debtor government agencies to citizens in accordance with court decisions;

- Ratifying Article 10 on the right to vocational training, Article 15 on the right of PWDs to independence, social integration and participation in the life of the community, Article 19 on the right of migrant workers and their families to protection and assistance; and Article 23 on the right of elderly persons to social protection of the European Social Charter (Revised);

- Reducing the percentage of social payments paid by employers (enterprises) to employees in order to prevent cases of engagement in labor and informal employment without concluding an employment contract;

- Adding the third paragraph to Article 127 of the Labor Code of the Republic of Azerbaijan in order to more effectively ensure a mother, caring of her child the right to choose the duration of her vacation and to adjust the amount of the allowance (benefits), provided to the period of that vacation days, thus, the wording must be as such:

“ 3. An employee (mother, caring of a child may substitute the period of leave defined in the first paragraph of this Article with a shorter period, but not less than 6 months if s/he uses the right to partially-paid social leave at his/her discretion. In this circumstance, the amount of the benefits for child care, defined by the laws shall be increased proportionally to the period of leave.”

- Increasing the amounts of pensions of the persons provided with pensions until the Law No. 1515-VQD of February 19, 2019 coming into force proportionally to the minimum amount of pension.

- Adding a new sentence to the seventh paragraph of Article 105 (Holidays) of the Labor Code to increase attention to the abilities of employees to perform the tasks assigned to them by health and employment functions. A sentence must be in the following wording:

“The number of consecutive working days may not be more than 7 days when work or rest days are shifting”.

- Developing an appropriate state security system and establishing necessary relevant mechanisms to make paid debts by the private enterprises, that are unable to pay to the workers for salaries and work-related injuries.

- Making publicly available a list, submitted by the Ministry of Education, including decisions on provision and refusing the graduates a place of residence in the “Alumni House” social facility, by placing them on the official webpage of the MLSPP in order to ensure transparency in the placement process;

- Making additions and amendments to the List and Quantity of the Volume of the First Aid Service (including necessary medical examinations), Syringes, Insulin and Other Sugarcane Preparations and Self-Management Tools to the

Persons with Diabetes” approved by the Cabinet of Minister’s Resolution No. 87 dated May 13, 2005, with the aim of effective ensuring the rights of the persons with diabetes;

- Improving and extending “the List of medicines provided on the basis of free prescription drugs”, adjusting to real needs (increasing the assortment of drugs by health, including medicines for rare diseases) considered in the second paragraph of the Cabinet of Minister’s Resolution No. 38 dated March 7, 2005, and approved by the Ministry of Education, specifically taking into account of persons with hepatitis, diabetes, hemophilia, thalassemia, and other diseases;

- Re-constructing or overhaul some psychiatric institutions, furnishing with the appropriate equipment, supplying food and medications, also increasing the number of specialists- physicians and middle-level health providers, strengthening social protection;

- Developing purposeful programs that promote the healthy lifestyle, provides information on how to manage stress, and considers the development of mental health of children and young people, as well as expanding the psychological rehabilitation measures;

- Developing the quality promotional social videos about the fight against all types of violence, including sexual and domestic violence, and a healthy lifestyle;

- Ensuring equal choice and opportunities for all children, regardless of the place of residence, when enrolled in the pre-school group and the first grade of secondary schools;

- Increasing the number of school psychologists in secondary schools in accordance with the number of students and involving professionals and specialists;

- Continuing the measures for re-construction or overhaul of the district school, kindergarten and orphanages in an emergency condition and supplying them with modern equipment;

- Advancing the measures for construction of new student dormitories, as needed;

- Selling social apartments by the State Housing Development Agency be sold only by means of a preferential mortgage loan and at least 60 months (5 years) determination of loan repayment to increase the opportunities for ensuring the right to adequate housing of persons from the privileged groups in real need of an apartment;

- Allocating the adequate state funding to eliminate the damage to private

houses that have been affected by natural disasters occurred in different places but have not been registered for various reasons and no action has been taken for their restoration.

- Speeding up the eviction of IDPs from the forcibly occupied homes, facilities and apartments, and relocation of IDPs to buildings, constructed for them or other buildings to ensure the implementation of the relevant court decisions;

- Increasing the number of regional shelters for women victims of violence as needed, taking into account the recommendations by the UN Committee on the Elimination of Discrimination against Women, the Human Rights Council and the CoE Recommendations made to the Government of Azerbaijan;

- Continuing to purchase affordable means of public transport for the PWDs;

- Establishing the new areas of production in the penitentiaries in order to reform the prisoners, pay their material needs, alimony and other debts and engage them into social work;

- Providing schools with visual aids and equipment in order to increase military-patriotic spirit in secondary schools and increase the effectiveness of primary military training classes;

- Adjusting the amount of monthly monetary compensation in lieu of food rations to servicemen in active military service, as well as to reservists or retired servicemen (excluding conscripts) to the value of the minimum consumer basket.

The Ombudsman calls state bodies and CSOs to effective cooperation for the sake of reliable protection of human and civil rights and freedoms, and solution of priority issues, including problems, recommendations, and suggestions indicated in the Annual Report.