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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

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

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan,** reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

* National human rights institution with “A”-status accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

** Reproduced in the annex as received, in the language of submission only.

Annex

23rd session of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC)

**Palais des Nations
Geneva, 23-25 March 2010**

Statement of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, Mrs. Elmira Suleymanova, about the activity of the National Preventive Mechanism (NPM) in the Republic of Azerbaijan

On December 2, 2008 Azerbaijan ratified OPCAT and on 13 January, 2009 the Ombudsman of Azerbaijan was appointed as a NPM according to the presidential decree. After this, on January 15, 2009 the Commissioner for Human Rights signed an order for organization of effective work of NPM and improvement of the activity of the Ombudsman on fight against torture.

With the purpose of implementation of this Order necessary organizational measures were taken, discussions were held with broad participation of representatives of different state bodies, NGOs, international organizations, mass-media proposals of which were analyzed and generalized. Considering national and international practice a Plan of Activities was worked out, list of about 250 institutions where inmates and persons with limited liberty are placed was prepared, regular visits were paid to those institutions.

In the frame of this work different activities were held in prisons, temporary detention places, investigation places, retirement homes, orphanages and other institutions of the Republic, including the regions.

At present it is planned to establish a new unit at the Office of the Commissioner for more efficient organization of the work of NPM. It was also created the National Preventive Group at Ombudsman. With this purpose the draft of statute of a new structure unit, amendments to staff schedule, budget of the office and regional centers as well as Draft of the amendments and changes to Constitutional Law were prepared.

Justified proposals and draft budget were submitted to the Ministry of Finances and Cabinet of Ministers of the Republic of Azerbaijan for approval. Work on establishment and improvement of the activity of NPM is continued.

The activities of the Commissioner for elimination of torture is realized at 4 main directions:

- Regular visits to institutions and facilities where inmates and persons with limited liberty are placed and to military units in her own initiative, without prior notification;
- Investigation of complaints and other information sent to the Commissioner on the spot or through inquiry-reply method;
- Preparation and submission of proposals on adoption of amendments to the existing legislative acts;

- Conduction of broad enlightening work among the staff of law enforcement bodies, the population especially among the vulnerable groups.

In 2009 it were provided 416 visits by the Ombudsman and staff members of her Office to the above mentioned facilities.

In the year 2009 the Commissioner received along with appeals on other issues complaints about rough treatment towards the citizens, humiliation of dignity and decency, unjustified detention, and bringing to the police and other ill treatment cases as well as about the detention conditions. Each of these appeals was investigated, corresponding motions were sent to the Office of the Prosecutor General, to the Ministry of Internal Affairs, the Ministry of National Security, the Ministry of Justice, the Ministry of Defense for investigation of those cases and bringing of guilty persons to the responsibility according to the law. On the grounds of the official information about 250 staff members of the Ministry of Internal Affairs were subjected to the punishment measures following the legislation. Some of them were brought to criminal responsibility or were dismissed from services at internal affairs bodies; others were dismissed from their positions or were subjected to different kinds of disciplinary penalties.

It must be mentioned that, on 25 June, 2009 on the eve of the Day of International Solidarity with the victims of torture, the Commissioner adopted a statement calling the world community to fight against torture, and for cooperation in the name of just world. The statement was sent to the relevant international organizations.

Activity of the Commissioner on elimination and prevention of torture, achievements in this field, as well as problems and perspectives are reflected in her annual reports. This year it will be prepared special report on the activity of NPM.

As a newly created NPM, of course we have a lot of problems which have to be solved in a short period of time. We do our best and at the same time we hope that international organizations will support us in organizing trainings and workshops, sharing best practice in this field, providing other necessary resources for this activity and etc.
