

**HUMAN DIMENSION IMPLEMENTATION MEETING**  
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**Working session 5**

**Activity of the Azerbaijani Ombudsman as**  
**a National Preventive Mechanism against torture**

**Mr. Moderator**  
**Ladies and Gentlemen,**

As a result of democratic reforms carried out in the Republic of Azerbaijan, new progressive laws serving to more efficient protection of human rights were adopted. Azerbaijan has joined numerous significant conventions in the field of protection of human rights and liberties in order to purposeful realization of measures in human rights sphere.

I would like to mention that, Azerbaijan has paid special attention to increasing the effectiveness of justice. Consistent measures have been taken to modernize the judicial and legal system of our country. As a manifestation of state policy in this field, a separate law was adopted to guarantee the rights and freedoms of the accused persons held in places of pre-trial detention, their privileges were expanded and special attention was paid to improving their detention conditions, medical and other provisions.

I would like to note that, on 10 February 2017 President of the Republic of Azerbaijan signed an Executive Order On improving work in the penitentiary system, humanization of the punishment policy and expansion of alternative punishments and procedural enforcement measures not associated with isolation from society.

The purpose of the Order is to review the approach to penal policy, criminal legislation, and the issues of the rights of convicts, as well as to improve the penitentiary system and the application of progressive international experience in this field, and all of it against the backdrop of the development of our country and the successes achieved.

One of the main goals of the Order lies in the humanization of the penal policy and the reliable protection of the convicted and accused persons' rights.

As it is known, the Republic of Azerbaijan ratified the Optional Protocol to the Convention against Torture and by the Decree of the country President Azerbaijani Ombudsman was determined as an institution fulfilling the functions of the National Preventive Mechanism.

Fulfilling of the tasks following from these new functions which are logical continuation of legal reforms conducted within the frames of the legal statehood building in the country became one of the directions of the Commissioner's activity.

Mutual cooperation of the Commissioner with relevant state authorities, civil society organizations, mass media, international organizations and National Human Rights Institutions of foreign countries, local and international experts, ensured

improvement of her activity as an NPM, building of efficient and constructive cooperation, conduction of fruitful discussions, training and exchange of experience.

According to the Constitutional Law, Ombudsman in fulfillment the duties as the NPM, has the right to have access, at anytime, without hindrance and prior notification, to police stations, temporary detention places, investigation isolators, penitentiary facilities, military detention places, psychiatric institutions and other places where detainees are not permitted to leave at will, meet and interview detained person, as well as any other persons who may provide relevant information, in private or when deemed necessary with participation of a specialist or interpreter; get acquainted with and obtain copies of all documents confirming the legality of detention, as well as relating to treatment of them or detention conditions; draw up acts, and minutes to document the flow and results of undertaken actions

The Azerbaijani NPM performs its activities in the following four directions:

- Preventive visits – regular, scheduled or ad-hoc visits without prior notification to the places which detained persons cannot leave on their own will;

- Legal analysis – the theoretical and practical analysis of the performed activities, as well as information collected during the course of these activities, relevant proposals and recommendations received, and effective or draft, and compilation of conclusions and preparation of corresponding proposals;

- Legal awareness – with the purpose of promoting the prevention of torture, organization of legal awareness work for the staff of the Office, members of the NPG, personnel of places which detained persons cannot leave on their own will, as well as persons detained in those places, students of relevant educational institutions and academies, preparation and distribution of related manuals;

- Public relations and international cooperation – the arrangement of exchange of information with local, regional and international organizations and foreign NPMs, mutual participation at events and organization of joint events, and the dissemination of information on the NPM's activity in the mass media.

Alongside with the abovementioned, it should be noted that the Azerbaijani NPM's activity has been interlinked with the Ombudsman's mandate to receive complaints. Thus, information collected during the examination of the applications received by the Commissioner and the special weight of complaints by each agency and entity were used as a driving force in the planning of preventive visits.

The activity of the Commissioner as the NPM is not limited only with condemning torture and cases causing to ill – treatment, but it also gives relevant recommendations regarding measures to be undertaken to corresponding institutions for strengthening prevention of such cases and keeps under the attention these issues and preventive approaches in collaboration with governmental bodies, civil society institutions, the Public Committee and other bodies.

The meetings, seminars and trainings based on national and international legislation provisions, the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and other international standards were organized in children's houses and boarding schools, different state agencies, Scientific-Education Centers of Armed Forces, the Academies of law-enforcement bodies, military units, penitentiary institutions.

Alongside with the mentioned, the attention was paid to capacity building of the members of the National Preventive Group within the frames of the activity of the Commissioner as the NPM. Thus, within the frames of the EU European Neighborhood

and Partnership Instrument, the Commissioner carried out the Twinning Project in partnership with Germany and Poland.

Within the twinning project frames the experts from Poland, Germany, Greece and Portugal organized trainings for the NPM members on such topics as “How to conduct preventive visit in the prison”, “The Ombudsman as the modern and flexible oversight mechanism”, “Preparation of reports”, “The cooperation with international organizations on human rights”; the active discussions were conducted.

The international experts got acquainted within the Twinning Project frames with the Azerbaijani NPM activity positively assessed the reforms carried out in human rights protection in Azerbaijan and multi-directional activity of the Azerbaijani Ombudsman in this field, efficient cooperation.

I would like to mention that, Ombudsman closely cooperates with the civil society institutions. Within this framework of activity, close cooperation is built with the Public Committee under the MJ composed of the civil society members. The members of the Committee involved as experts closely participate in the activity of the NPM.

The Commissioner as the NPM, closely cooperates with the UN and its Treaty bodies, including CAT, SPT, as well as CPT, COE, EU, OSCE, Association for the Prevention of Torture (APT) and other international institutions, as well as foreign NPMs.

**Finally,**

With regards to remarks of US delegation, we'd like to call on to verify sources of information and not to mislead the audience. No facts of torture have been identified neither by national preventive group or international observers towards the people the names of whom have been indicated.

**Thank you for attention!**