



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

SPECIAL INFORMATION BULLETIN

**on events held on the occasion of the
10th Anniversary of the entry into force of Optional Protocol
to the UN Convention Against Torture and other Cruel,
Inhuman Or Degrading Treatment or Punishment
(OPCAT)**

BAKU – 2016



**Azərbaycan Respublikasının
İnsan Hüquqları üzrə Müvəkkili
(Ombudsman)**



*Hər kəsin öz şərəf və ləyaqətini
müdafiə etmək hüququ vardır*

**BMT-nin İşgəncələrə və digər qəddar,
qeyri-insani yaxud ləyaqəti alçaldan rəftar və cəza növlərinə
qarşı Konvensiyasının Fakültativ Protokolu
“10 il”**

*Everyone has the right to defend
his/her honor and dignity*

**10th Anniversary of the
Optional Protocol to the UN Convention against Torture and
other Cruel, Inhuman or Degrading Treatment or Punishment
(OPCAT)**

2016

10th Anniversary - OPCAT

The OPCAT was ratified by the Republic of Azerbaijan on 2 December 2008 and entered into force on 13 January 2009. On the same date the President of the Republic of Azerbaijan issued a Decree designating the Commissioner as the institution to perform the functions of the NPM according to the OPCAT.

By making additions and amendments to the Constitutional Law the Commissioner's powers, as well as independence have been complied with the level of the authority of the NPM as provided for by the OPCAT (Article 1.2), also the NPG has been created, as well as obligations, rights and guarantees of the NPG members have been enacted to ensure the Commissioner's activities as an NPM, based on the principles of transparency (Article 18-1).¹

At present, within the mandate as an NPM, the Commissioner cooperates with international organizations and their sub-agencies, including CAT, SPT, CPT, APT, foreign NPM networks, and she submits her reports to them and develops her activity in the field of concern on the basis of the recommendations made.

In the capacity of NPM, at the initiative of the Commissioner for Human Rights of the Republic of Azerbaijan, Prof. Elmira Suleymanova it were held range of events in the country on the occasion of the 10th Anniversary of the entry into force of the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).²

COVERED INSTITUTIONS

In the frame of anniversary events, awareness activities regarding OPCAT and visits by the Commissioner as an NPM and her National Preventive Group members to the penitentiary institutions, including temporary detention places at police stations, the State Security Service TDP and Investigation Isolator, psychiatric hospitals, child boarding houses and schools, the Boarding House for the Elderly and the Persons with Disabilities and to other places which people cannot leave on their own will, are being continued. At each of those events it has been displayed special promotional banner dedicated to the 10th anniversary of the adoption of OPCAT (See page 2).

¹ *Constitutional Law on the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, (24.06.2011, № 163-IVKQD)*

² <http://ombudsman.gov.az/az/view/news/373/ombudsman-tesisati-bmt-nin-ishgencelere-qarshi-konvensiyasinin-fakultativ-protokolunun-quvveye-minmesinin-10-illiyi-ile-bagli-silsile-tedbirler-kechirir>

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ANNIVERSARY EVENTS

During May-July, 2016 in the frame of the public hearings organized by the Ombudsman throughout the country, covering 58 rural and urban areas aimed at raising awareness of the people about the National Action Program on Raising Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan (NAP), it was conducted legal educational work regarding UN CAT and OPCAT for the police staff in every police stations of each country region.³



ONE of the events dedicated to the 10th anniversary of the entry into force of OPCAT was held at the Ombudsman Office under the chairmanship of the Commissioner.

AT the meeting, the Commissioner gave broad information about the implementation of the relevant Convention in the national legislation. She highlighted that the Commissioner as non-judicial mechanism according to the mandate is set up to restore the human rights and freedoms enshrined given to the Constitution as well as international treaties, to which Azerbaijan is a party, as well as violated by governmental and municipal bodies and officials of the Republic of Azerbaijan.⁴



³ <http://sumqayitfakt.az/manset/5360-sumqayit-sheherinde-ictimai-dinleme-kechirilib.html>

⁴ *Constitutional Law on the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan*, Article 1.1;

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As a NHRI accredited with “A” status by ICC (GANHRI) in comply with the Paris Principles, the Ombudsman always keeps focus on preventive work against torture, organization of preventive measures and legal advocacy in the concerned field in the capacity of NPM.⁵

Furthermore, during the meeting it were discussed the issues in relation to designation of the Commissioner with NPM functions by the Presidential Decree of 13 January 2009, directly after the accession of the State to OPCAT, also relevant modifications made to the Constitutional Law on Ombudsman on 24 June, 2011. The activity carried out by the Commissioner as an NPM, visits to places of deprivation of liberty, recommendations made by the Ombudsman, the status of implementation of recommendations given during visits, legal awareness work were among the issues discussed.

During this period, according to the paragraph 4.1 of the National Action Program to Raise Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan, it was organized the study of the requirements of CAT and the Optional Protocol, thereto, for law-enforcement officials, other relevant agencies, lawyers and non-governmental organizations with expertise in law; similar issues were discussed with the Ministry of Justice, which are currently ongoing in accordance with the working plan of the NPM.

Similar events have been continued between the Ombudsman Office and Academy of Justice under the Ministry of Justice in the field of legal awareness, as well as capacity building seminars for persons newly admitted persons specialized in various areas of Penitentiary system as well as of the Medical Institute under the Ministry of Justice.

At the compulsory module in the Academy of Justice under the relevant Ministry organized for staff of the penitentiary system and medical service, the attention was



⁵ <http://ombudsman.gov.az/az/view/news/373/ombudsman-tesisati-bmt-nin-ishgencelere-qarshi-konvensiyasinin-fakultativ-protokolunun-quvveye-minmesinin-10-illiyi-ile-bagli-silsile-tedbirler-kechirir->

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brought to the issues relating to the 10th anniversary of OPCAT, its provisions, recommendations given to the State by international organizations concerning international standards and the noted legal documents, Ombudsman activity as an NPM.

On the occasion of the 10th anniversary of the entry into force of OPCAT it has been organized training for staff of the State Migration Service; along with studying the provisions of this international document continuation of similar awareness events for those state bodies have been recommended.

In addition, joint legal awareness activities, such as training and seminars for persons kept in places of deprivation of liberty, which they cannot leave on their own will, and the staff members of those facilities are continued in Ganja, Guba, Sheki and Jalilabad districts, where the Ombudsman's four regional offices are located in coordination with state authorities, non-governmental organizations and mass media (See pages 8-9).⁶

The events launched by the Ombudsman's Regional Offices dedicated to the 10th anniversary of the adoption of OPCAT were attended by the representatives of local executive branches, police stations, penitentiary institutions, boarding schools and houses for children and old people, psychiatric clinics. In those events it was discussed the Convention and its Optional Protocol, thereto, its provisions, the Ombudsman's activity in the capacity of NPM towards the implementation of the Convention, her mandate and status of the recommendations given during visits.⁷

⁶ <http://olaylar.az/news/sosial/198178>

⁷ <http://qhtxeber.az/news/date-2016-11-7.html>

10th Anniversary - OPCAT

** Photo from the event held on the occasion of the 10th anniversary of the entry into force of OPCAT, organized by the Ombudsman's Sheki Regional Office for the staff of the local executive authorities, police stations, penitentiary institutions, boarding schools and houses for children and old people, and psychiatric clinics.*



** Photo from the training held on the occasion of the 10th anniversary of the entry into force of OPCAT, organized by the Ombudsman's Guba Regional Office for the police officers.*

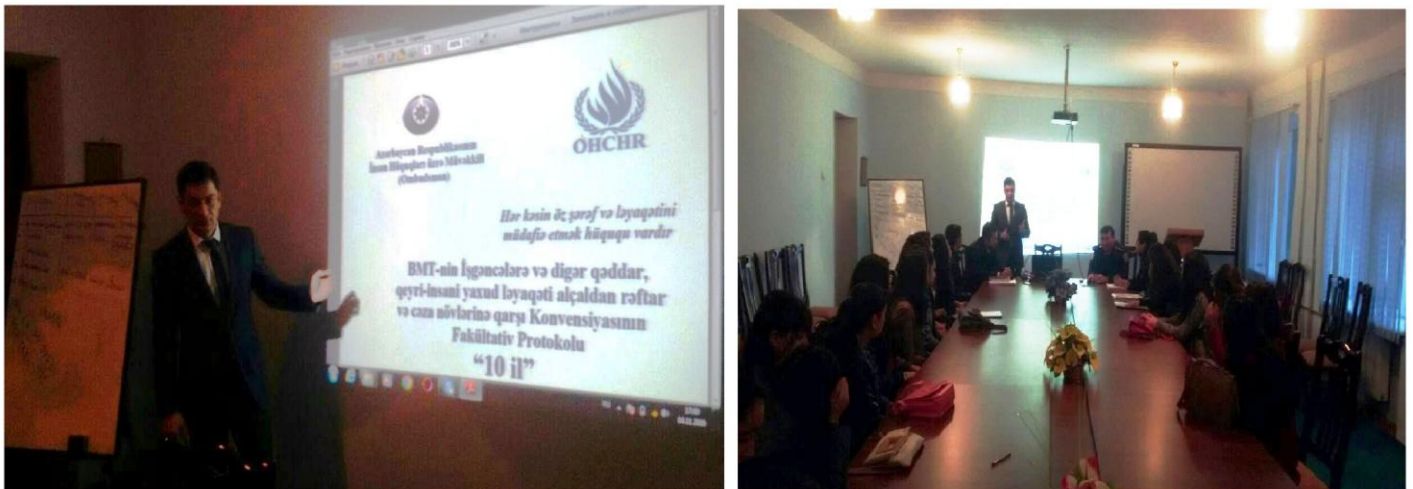


10th Anniversary - OPCAT

**Photo from the events held on the occasion of the 10th anniversary of the entry into force of OPCAT, organized by the Ombudsman's Ganja Regional Office for the staff of the Investigation Isolator No. 2 of the Penitentiary Service and boarding schools and houses for children.*



**Photo from the training held on the occasion of the 10th anniversary of the entry into force of OPCAT, organized by the Ombudsman's Jalilabad Regional Office for the staff of the social care institution.*



10th Anniversary – OPCAT

It must be noted that the Ombudsman continues her activities in capacity of National Preventive Mechanism, in accordance with CAT and its Optional Protocol, thereto.

Range of events dedicated to the 10th anniversary of the entry into force of OPCAT is being continued by the Ombudsman Institute and its Regional Offices based in Ganja, Sheki, Jalilabad and Guba, throughout the country.

Summing up, we congratulate all members of the Subcommittee on Prevention of Torture and NPM units in other countries upon 10th anniversary of the OPCAT and express our interest in further strengthening mutual cooperation with all of these organizations in the field of concern.

***Note:** More information about the Commissioner's NPM activity, relevant reports (for 2009-2010, 2011, 2012, 2013, 2014, 2015 years) and feedback on the events held in the Ombudsman Office you can find in the official website of the Commissioner.

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