

Response

**of the Azerbaijani Government
to the report of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visit to Azerbaijan**

from 19 to 26 November 2013

The Azerbaijani Government has requested the publication of this response. The CPT's report on the November 2013 visit to Azerbaijan is set out in document CPT/Inf (2018) 31.

Strasbourg, 18 July 2018

Note: In accordance with Article 11, paragraph 3, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, certain names have been deleted.

Table of Contents

Response of the Government of the Republic of Azerbaijan to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.....	4
Additional response	7

**The comments of the Government of the Republic of Azerbaijan to the report
of the European Committee on prevention of torture and cruel, inhuman
treatment and punishment following its visit to Azerbaijan on**

November 19- 26, 2013

The report highlights numerous shortcomings with regard to Ganja and Salyan psychiatric hospitals. Necessary measures have been undertaken to eradicate the raised shortcomings. The relevant structures of the Ministry of health and administration of psychiatric hospitals have established strict control with the view to prevent the cases of ill-treatment of patients by the medical staff and violence among the patients. The training programs on the provision of highest possible treatment of patients are being constantly organized for the medical staff. New instructions have been elaborated to ensure that the confines and isolating measures are imposed on patients in the short term at the hospitals mentioned in the report.

At Ganja psychiatric hospital, the wards have been equipped with new bedsteads, every patient has been provided with new mattresses, bedclothes and closets.

Relevant measures have been undertaken for the provision of existing quarantines with the daylight and ventilation

The quality of the nutrition of the patients has been also increased. The patients are provided with different sort of meals four times a day.

The number of examinations has been increased to find in a timely manner the psychiatric medical preparations for the treatment of patients and discover somatic diseases. It has been decided to use the services of ambulances and experts in case of necessity.

The instruction has been issued on the rules of examination to determine the causes of death of psychotic patients passed away at the hospital. The number of patients involved into the non-pharmaceutical treatment and rehabilitation measures has been increased.

The patients have been provided with relevant outfits and foot wear to go in for sports in a fresh air. The control on the accuracy of paperwork for taking the patients voluntarily to the treatment has been strengthened.

The patients are free to use within the hospital the mobile phones and other communication means depending on their psychotic condition. The doors of wards are being held open; the restrictions have been eliminated for the patients leisure time and the TV watch.

In the building of repaired Salyan psychiatric hospital the centralized heating system has been renovated, furthermore, the hospital has been provided with new equipments, bedclothes and garments for the patients.

One medical technician has been dismissed for ill-treatment of patients. Salyan district central hospital has been authorized to conduct examination and treatment of somatic diseases of psychiatric patients.

The relevant structures of the Ministry of Health constantly control the application of new measures for the improvement of detention and nutrition conditions of the patients at psychiatric hospitals, as well as prompt solution of such cases as restriction of their movement and others.

The copy o the death certificate of Mrs. [REDACTED] had been sent to the Ministry of Labour and Social Protection of Population, nevertheless it had been noted that there were no grounds for exhumation. Furthermore, there has been no appeal to the law enforcement agencies for opening a criminal case regarding this death case.

The delegation of the European Committee on prevention of torture and cruel, inhuman treatment and punishment within the framework of its visit to Azerbaijan familiarized with the detention conditions of people living in mental disorder oriented boarding house № 8 and Shamakhi № 1 Specialized boarding house, as well as conditions of the boarding houses themselves. Accordingly, information on negative circumstances arising from negligence and fault of management of the boarding houses had been reflected in the report. With its order, the Minister of Labour and Social Protection of Population of the Republic of Azerbaijan, the directors of the both boarding houses were dismissed, more experienced persons

701/7.1103
ovd.

were appointed at these positions. Since this change several measures have been undertaken at both institutions. Furthermore, financial resources have been allocated for the substantive repair of the boarding houses by the Ministry.

The creation and effective operation of the mechanisms of placing children in families, and other alternative care the President of the Republic of Azerbaijan, by the Order dated 29 March, 2006 approved "The State Program to deliver children from orphanages to families (de-institutionalization) and alternative care (2006-2015)". Relevant Plan of Actions has been approved by the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan to provide the realization of the aforementioned order. In order to provide the realization of the Law on Social Services of the Republic of Azerbaijan daily care centers were established by the Ministry in 2013 in 8 districts (Astara, Beylegan, Gazakh, Yardimli, Agjabedi, Gakh, Yevlakh, Lenkeran) across the country which prevent the placing of children to state child institutions and provide children and families in difficult living conditions with social services. 240 children have been served in those centers during the year of 2013. On May of this year, the Ministry of Labour and Social Protection of Population announced contests for the establishment of daily care centers in 10 districts (Yardimli, Astara, Yevlakh, Tovuz, Agsu, Lenkeran, Gakh, Gazakh, Beylegan, Agjabedi) across the country.

In 2014, 300 children are to be served in those daily care centers. The purpose of the establishment of daily care centers is to prevent social solitude of children in bad living conditions between the ages of 3 – 12 (with single parent, having lost both parents, under the patronage of an extended family, the children of parents with disability or disease or working most part of the day as a time worker due to absence of permanent workplace) as well as prevent the placement of these children to state child institutions. The social services of the daily care centers include assistance to the mental, emotional and physical development, as well as social adaptation of children training on daily habits, development of cognitive skills, drawing of children into circles based on their interests and skills, nutrition of children, efficient organization of their leisure and assistance to the preparation of their homework.

Relevant measures are being undertaken with regard to recommendations reflected in the report.

*2017-11-14
aid.*

Comments on CPT recommendations after group's visit to the Republic of Azerbaijan on November 19-26, 2013

The Legislation of the Republic of Azerbaijan on Mental health encompasses related articles from the Constitution of the Republic of Azerbaijan, Law of the Republic of Azerbaijan on “ Protection of Health of the Population”, related principles and normative legislative acts, as well as international treaties that the Republic of Azerbaijan ascends.

Action Plan of Mental health services of the Ministry of Health based on Law of the Republic of Azerbaijan about “Psychiatric services” dated on 12.07.2001.

Comments of CPT delegation about ill-treatment of patients, whether physical, or verbal have been investigated and according to Article 6 of the above said Law medical workers held responsible and received punitive charges.

Ganja Psychiatric Hospital

Currently, patient admission to Ganja Psychiatric Hospital is very limited and reduced.

On September 2014 work of the main ward of the Ganja Psychiatric Hospital is stopped due to major sanitary-hygiene incompliance.

Patients are transferred to Republic Psychiatric Hospital #1.

Due to above mentioned reasons, for hospital treatment, admitting patients are referred to Baku, or nearby located Qazakh Psychiatric Hospital.

Moreover, Ministry started construction of new Psychiatric Hospital in Ganja that will operate according to international standards.

Salyan Psychiatric Hospital

In the year of 2014 in Salyan new Psychiatric hospital that will operate according to international standards has been constructed.

Information on actions taken with regard to CPT report

Ill-treatment

- Management of Şamaxı Psychoneurological Boarding Home No.1 was changed on February 18, 2014, staff was instructed to strictly follow the rules of conduct with the residents, regular awareness-raising activities are organized. Furthermore, there are no sticks or similar objects at the boarding home (paragraph 45);
- To ensure protection of residents from other residents who might cause them harm relevant steps were taken to enhance control and the staff at Şamaxı Psychoneurological Boarding Home No.1 was instructed accordingly (paragraph 46);
- The practice of entrusting particular group of residents with the task of maintaining order and controlling the other residents in social care establishments was stopped (paragraph 46);
- There are no sticks or similar objects in the residents' rooms (paragraph 46);
- On March 4, 2012 ██████████ was put in intensive care of Ganja emergency care hospital with "epileptic status" diagnosis. She died on March 7, 2012. For absence of wilful neglect evidence no criminal investigation was undertaken (paragraph 46).

Residents' living conditions

- Shower facilities on each accommodation floor at Qırıqlı Boarding Home No.8 are maintained in good repair and proper working order (paragraph 49);
- Heating system in Şamaxı Psychoneurological Boarding Home No.1 was improved and access to water in the sanitary facilities on all the floors is maintained in an appropriate working state. Sanitation and hygiene rules needed for residents are observed (paragraph 52);
- Remarks made in the report with regard to both the existing facility of Şamaxı Boarding Home and the one to be built were taken into consideration in the preparation of the relevant cost sheet draft (paragraph 53).

Care of residents

- The staff at Şamaxı Psychoneurological Boarding Home No.1 and Qırıqlı Psychoneurological Boarding Home No.8 carries out psycho-social rehabilitative activities on individual basis. In 2014 relevant works were carried out with respect

- to 16 residents of Şamaxı Boarding Home No. 1 and 9 residents of Qırıqlı Boarding Home No.8 as well as their family members, after that they returned to their families, as a result their living in a community was achieved (paragraph 54);
- Relevant amendments have been made in the new drafts of statutes of psychoneurological establishments (paragraph 55);
 - Prescriptions are written out in accordance with the relevant rules and shortcomings in the administration of medications are eliminated. In particular, prescription of psychotropic medication and the relevant treatment is conducted under the control of authorised doctors (paragraph 56);
 - Currently the Clozapine is not used at Şamaxı Psychoneurological Boarding Home No.1 and Qırıqlı Psychoneurological Boarding Home No.8. Blood tests are taken from the residents on a regular basis and kept under control (paragraph 57);
 - Logbooks, registers and residents' files at Şamaxı Psychoneurological Boarding Home No.1 and Qırıqlı Psychoneurological Boarding Home No.8 are maintained in conformity with existing rules (paragraph 58);
 - Upon the admission to the establishments under the authority of the State Social Security Service residents pass medical examination, somatic services are provided regularly, including provision of necessary medication and materials (paragraph 59).

Staff

- Currently there is not vacant post at Qırıqlı Psychoneurological Boarding Home No.8;
- The new statutes of the social care establishments under the authority of the State Social Security Service are being developed and relevant amendments are intended in the staffing tables.

Means of restraint

- All living rooms at Şamaxı Psychoneurological Boarding Home No.1 are heated and equipped for human accommodation (paragraph 64);
- The new statutes of the social care establishments under the authority of the State Social Security Service are being drafted. These statutes will determine the rules of delivery of medical care to the residents if required (paragraph 64);

- In accordance with the decision of the Cabinet of Ministers No. 320, dated November 5, 2013 on approval of the “Regulations on placement of people (families) with difficult living conditions to the state social care establishments” persons (families) are eligible to apply for placement in social care establishments in cases where they are not capable of taking care of themselves due to a disease, disability or old-age and having no able-bodied relatives or legal representatives who can take care and help them. This application can also be made by the relatives of these persons, their legal representatives (guardians, custodians), municipalities and civil society organizations as well as by the third parties with the consent of these persons. Documents with respect to person with hard living conditions adjudged incapable and unable to independently satisfy his/her own vital needs shall include valid court judgement about this person’s incapacity and application by the able-bodied relatives or his/her legal representatives stating their inability to take care of this person. (paragraph 65);
- The legislation on guardianship is strictly observed in respect of severely disabled persons at Qırıqlı and Şamaxı psychoneurological boarding homes (paragraph 66);
- Rights of residents’ guardians are recognized in social care establishments and deprivation of legal capacity of guardians is only possible with the court judgement (paragraph 66);
- Complaints of the residents at Şamaxı and Qırıqlı boarding homes are considered in accordance with the law (paragraph 68);
- Conditions are created at Şamaxı and Qırıqlı psychoneurological boarding homes to enable unannounced visits by the representatives of bodies staffed with adequate personnel for assessing the level of care provided in these boarding homes (paragraph 69).

Furthermore, it is to be noted that in 2014 major repair works were undertaken at Qırıqlı psychoneurological boarding home № 8, including the construction of a new public bathroom and heating system. Living conditions of the residents, food, clothing and medical services among them, were significantly improved. Management of the boarding home was changed, a group of professionals with higher education and specialized social workers were employed.

A new park was laid out around the boarding home. Here various decorative trees were planted, a fountain, cascades, small bridges were constructed, entertainment constructions were set. Besides, a plot of land was allocated where fruit-trees and vegetables were

planted and poultry is kept. The residents are involved in these works as a part of their social activities.

The Ministry of Labour and Social Protection of Population in cooperation with the UN Children's Fund (UNICEF) has elaborated minimum standards for boarding homes on the territory of the country. The organizational set-ups of Şamaxı psychoneurological boarding home No.1 and Qırıqlı psychoneurological boarding home No.8 were revised to comply with international standards, their new statutes were approved by the Board decision of the Ministry. In accordance with these new statutes the names of the boarding homes were changed to "Psychoneurological social care institution № 3" and "Psychoneurological social care institution № 2". Staffing of these establishments will correspond to the requirements of national legislation and international standards.