



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 5 to 15 December 2011

The Azerbaijani Government has requested the publication of this response. The CPT's report on the December 2011 visit to Azerbaijan is set out in document CPT/Inf (2018) 9.

Strasbourg, 15 March 2018

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Information
on results of studying the report on visit of the delegation of the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) to bodies under the Ministry of Internal Affairs

The report on results of the visit of the delegation of the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) to bodies under the Ministry of Internal Affairs on 5-15 December 2011 have been studied.

The following is noted in regards to relevant paragraphs of the Report:

On paras 13, 14, 17, 25 and 26:

Detention period for detaining an apprehended or arrested person in temporary detention facilities is calculated in accordance with the Criminal Procedure Code of the Republic of Azerbaijan.

At present in accordance with the requirements of article 148.4 of the Criminal Procedure Code of the Republic of Azerbaijan when a decision is made on launch of a criminal case, a person suspected in committing a crime is placed for 48 hours to the temporary detention facility of a police body by the body realizing criminal procedure based on a protocol of apprehension. The protocol is to be signed by the head of that body and approved with the seal bearing coat of arms.

A person who is arrested for delivery to a place of enforcement of a verdict or other final decision of the court or replacing of punishment with other type of punishment as well as for settling an issue of termination of conditional sentencing or conditional premature release from punishment can be detained the latest up to 7 days, in other cases the latest up to 48 hours (if within this period a decision on choosing preventive measure of arrest is not adopted) in a temporary detention facility.

A person who is arrested by a court decision cannot be kept beyond 24 hours in the temporary detention facility and until this time expires s/he must be transferred to an investigative isolator (a period of transfer of a person by vehicle to an investigative isolator is not included into this period).

When it is necessary to transfer an arrested person from investigation isolator to a temporary detention facility in cases when investigative actions are in a distance from place of location of investigative isolator or to ensure an arrested person appears at court proceedings and when daily transfers are not possible - an arrested person with a motivated court decision can be transferred to a temporary detention facility from investigation isolator no more than 10 days within 1 month. This period can be extended until the end of the court proceedings on the basis of a motion of the arrested person and by the motivated court decision.

Article 8.2 of the Law 'On ensuring rights and freedoms for persons in detention' provides that medical examination must be conducted on arrested persons when they are transferred from the investigative isolator to a temporary detention facility and vice-versa; article 22 requires that the registration is made of any visible injuries at admission of apprehended or arrested persons in detention facilities and complaints of any torture, inhuman or degrading treatment or punishment to which they were subjected before entering the detention facility, it also requires that medical examination is made within 24 hours by medical personnel of the detention facility, that relevant

registration is made on the results of the examination, that written information about complaints of torture, inhuman or degrading treatment or punishment as well as bodily injuries allegedly caused as a result of torture, inhuman or degrading treatment or punishment discovered in course of medical examination are sent immediately to the prosecutor conducting procedure administration over the investigation for launch of a preliminary investigation, it also requires among other provisions that medical examination in a state or private medical institutions is conducted at the motion of apprehended or arrested persons or their advocates.

At present relevant measures are being taken to adjust existent normative legal documents to the said law.

Alongside with this, situation with the implementation of the requirements of the legislation in detention facilities was checked and a group of staff of Yasamal, Binagadi and Sabail region police departments were brought to administrative responsibility for deficiencies and shortcomings in their official activity in this field.

Chiefs of police bodies of the Republic were demanded to observe lawfulness in temporary detention facilities, to have detained persons undergo medical examination, to transfer to investigative isolator in accordance with the existent legislation, to control over comprehensive completion of official documents and to increase the exactingness.

On paras 15 and 19:

It was ensured that the staff studies and applies in their official work 'National Action Programme on increasing effectiveness of protection of human rights and freedoms in the Republic of Azerbaijan' approved by the Decree of the President of the Republic of Azerbaijan # 1938 of 27 December 2011 and the Action Plan was prepared and sent for enforcement on 31 January 2012.

Activities continue with an aim to regulate from perspective of the legal-ethical norms the relations between police and citizen, and the issues of ensuring lawfulness and protection of human rights and freedoms during delivery of a person, detention and attracting to responsibility were kept under attention of the administration of the Ministry of Internal Affairs.

A¹ police mayor and senior detective of criminal search unit of Tovouz region police station, was dismissed from service in bodies of internal affairs and other staff members of the station were punished in disciplinary way for being rude against a suspect in committing a crime and keeping him groundlessly for one day in police station – the deficiencies found in Tovouz district police station on 10 December 2011 by the delegation of the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) and by the members of National preventive group on 11 December 2011.

In 2010, 2011 and 9 months of 2012 total 720 staff were brought to disciplinary responsibility on 487 confirmed facts (of them 173 were connected to rude behavior towards citizens, 170 - groundless delivery to police and detention, 94 - violation of rights of drivers and 50 - other facts)

¹ In accordance with Article 11, paragraph 3, of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the name has been deleted.

of violation of human rights and freedoms. Of them 54 persons were dismissed from service in bodies of internal affairs, 45 were dismissed from their positions and 621 were subjected to other disciplinary measures.

On paras 22 and 23:

Article 15.1.1 of the Law of the Republic of Azerbaijan 'On ensuring rights and freedoms for persons in detention' provides for a possibility for arrested person to inform by phone his/her close relatives or other persons who is of legal interest for him/her immediately after the delivery to a detention facility.

On para 24:

Article 19.1 of the Law of the Republic of Azerbaijan 'On ensuring rights and freedoms for persons in detention' provides for a right of a person to meet and have confidential communication with an advocate and a lawful representative without any limitations as to the quantity and duration from the moment of arrest or when the decision on choosing a preventive measure of arrest is declared, whereas article 19.2 prohibits interrogation if an apprehended or arrested person who asked for a legal aid did not get such an aid as well as the interrogation which is continued without presence of an advocate.

On para 27:

Citizens were provided with an opportunity to familiarize with their rights and duties through posters placed in the administrative buildings of police bodies which were prepared based on the rights and freedoms envisaged in the Constitution of the Republic of Azerbaijan, international documents and normative-legal documents regulating the activity of the Ministry of Internal Affairs in this field.

Alongside with this, in order foreign citizens detained in places of temporary detention could more comfortably familiarize with their rights, relevant excerpts from the orders of the Ministry of Internal Affairs were translated into Russian and English languages and placed on posters sent to the respective police bodies.

Article 15.1.3 of the Law of the Republic of Azerbaijan 'On ensuring rights and freedoms for persons in detention' provides for an opportunity to familiarize in writing in the language they understand with rights and duties immediately after admission to detention facility or during detention, with internal disciplinary rules including regime in the place of detention as well as with rules on submission of proposals, letters and complaints and to keep information about it on them in writing.

On paras 16, 18, 20, 21 and 31:

Articles 12-15 of the Criminal Procedure Code of the Republic of Azerbaijan enumerate human rights in the course of criminal persecution.

In accordance with the Criminal Procedure Code of the Republic of Azerbaijan, being guided by requirements and principles of the legislation on realization of criminal persecution and following the instructions of the prosecutor realizing procedural administration of preliminary investigation

and their internal belief, the investigators of investigative bodies of the Ministry of Internal Affairs conduct preliminary investigation on crimes in their jurisdiction and make necessary procedural decisions and realize investigative or other procedural actions and measures of procedural enforcement.

Violation of human rights by investigators mainly were connected with apprehending and bringing to responsibility a person as a suspect when there were no sufficient evidences, in other words groundless apprehension of a person as a suspect and attracting him/her as an accused, when right to have an advocate as provided by the law is not ensured while a person is apprehended as a suspect or attracted as an accused or in cases when possibilities were not created for him/her to use this right, as well as failure to observe ethical behavior rules in the communication with citizens. In order to prevent such negative happenings and eliminate them with an aim to ensure the principle of equality before the law irrelevant of nationality, sex, race, ethnic origin, religious belief, language spoken, origin, property status, position hold, belief and place of residence as well as to ensure the strengthening of control over observance of requirements of the legislation in the field of human rights protection, human rights related complaints were taken to special control and immediate investigations were launched in order necessary measures are taken to satisfy the complaint.

By the relevant order of the Ministry of Internal Affairs the staff of investigation unit of Shamkir region police station was attracted to disciplinary responsibility for creating obstacles for inspection of their offices by the delegation of the European Committee against Torture and attempting to intimidate the translators of the delegation in December 2011 as well as for attracting citizens groundlessly to criminal responsibility and having other deficiencies in their work.

With an aim to timely prevent unlawful acts against the persons detained in temporary detention facilities and rude behavior with them and generally to improve the security system, alarm system was replaced with new ones in 64 temporary detention facilities and video surveillance equipment was installed in 61 of them.

On paras 28 and 29:

In accordance with article 30.1 of the Law of the Republic of Azerbaijan 'On ensuring rights and freedoms for persons in detention', female and male minors should be kept separately in detention and minors should be kept separately from adults. An improved material-household condition is created for minors and they are provided with special food norms determined by the relevant body of executive power.

The very article also determines daily exercise time for minors at no less than 3 hours and establishment of relevant conditions for them to watch TV programmes in their leisure time, continue general education and get engaged in sports.

On para 34:

Starting from March of this year the construction of a new temporary detention facility for use of Ganja city Main Police Department which corresponds to international standards was started and it will be operational shortly.

On paras 30, 33, 35:

Apprehended or arrested persons are received by a duty officer in the temporary detention facility any time of the day. The duty officer checks the documents which are the ground for their detention in temporary detention facility, talks to them and compares their replies against protocol of apprehension, court decision and other documents, and conducts their registration in the register of persons detained in the temporary detention facilities.

Article 31 of the Law of the Republic of Azerbaijan 'On ensuring rights and freedoms for persons in detention' provided that the main duty of the administration of the detention facility includes registration of information about apprehended or arrested person after s/he is delivered to the place of detention, including name and surname, date and place of birth, address, ground for apprehension or arrest, body which adopted a decision on apprehension or arrest, data and time of delivered to detention facility, any bodily injury on the person and the complaints against any torture, inhuman, degrading treatment or punishment.

Extra beds exceeding the allowed limit were excluded from cells of detention facilities in Binagadi and Yasamal districts of Baku, as well as in Shamkir and Agdash region police and lighting and heating were fixed to operate.

On para 36 and 37:

Since 2007 a special establishment for detention of persons arrested for an administrative offence is operating in Baku city. In police bodies located in areas when such establishments do not exist, cells are established in temporary detention facilities for detention of such persons. Those persons are detained in temporary detention facilities in accordance with the rules approved by the Code on Administrative Offences and the Ministry of Internal Affairs of the Republic of Azerbaijan.

Every person detained in temporary detention facility and establishment for administrative offences has the right to use table games, portable computer games and use the library of temporary detention facility and they are allowed to keep books (including religious literature, textbooks, journals and newspapers) and school supplies in the cells.

Moreover, in accordance with article 23.1 of the Law of the Republic of Azerbaijan 'On ensuring rights and freedoms for persons in detention' the detained persons can use the library of the detention facility or at their costs they can buy stationery for writing, books, newspapers and magazines from shops through the administration of the detention facility.

The persons detained for an administrative offence have the right to exercise no less than 3 hours a day and this requirement is strictly observed both at the establishment for administrative offences and temporary detention facilities.

On para 38:

Conditions corresponding to relevant norms were established in many rooms designed for talks with the persons brought in which are located in duty officers' rooms of police bodies and the works in this direction are ongoing.

The recommendations reflected in the report will be taken into consideration in the course of work.

Ministry of Internal Affairs

07.12.12

Information from the Ministry of Justice of the Republic of Azerbaijan

On the measures taken in connection with enforcement of the recommendations reflected in the report on the results of the periodic visit of the European Committee for the prevention of torture (CPT) in December last year.

The remarks of the CPT on the visit to our country in December 2011 were broadly discussed at the meeting of the Ministry's Collegium which was especially summoned in January of the present year, the assigned tasks were defined, instructions of different nature were made with an aim to ensure the immediate enforcement of the Committee's recommendations in an organized manner as well as a special implementation plan was prepared.

At the same time the recommendations reflected in the final report of the Committee were studied in details and a special Implementation Plan was approved on 6 September 2012 by the chief of the Penitentiary Service who is also a deputy minister of justice. This Plan was forwarded to the relevant institutions of the Service's Main department and penitentiary institutions for the purposes of implementation. During this period, relevant measures were undertaken by respective structural units of the ministry for enforcement of the recommendations.

1. Preliminary remarks

On paragraphs 43-44 (updated information on progress in renovation of penitentiary infrastructure and reducing overcrowding; using opportunities in connection with putting new institutions into commence and starting development of out-of-cell activity regime of remand prisoners):

In 2012 with an aim to improve detention conditions of convicted and accused the works on establishing modern penitentiary infrastructure were accelerated and the construction of new penitentiary institutions was continued by taking into account progressive European experience.

Construction works were finalized in the mixed regime penitentiary institution built in Sheki city and at present final works are underway. The Minister of Justice signed an order dated 15 September 2012 'On establishing mixed regime penitentiary institution in Sheki', 10 staff members including a deputy director of the institution were appointed and the request was made before the Cabinet of Ministers for approving 594 vacancies. Preparatory works are underway for admission of convict and accused to the institution.

In the prison which is being built in Umbaki settlement of Baku city construction-installation works were completed for 1 floor 7 regime wings, buildings for meetings, production, vocational school and other buildings and preparations are made to put it in commission.

Construction of some buildings was completed in mixed regime penitentiary institution built in Ganja city, basement works in buildings of kitchen and stock, laundry, medical unit, punishment isolators were completed. The works are underway for installation of gas, water and communication lines whereas the main electricity lines are already installed.

Mixed regime penitentiary institution for 180 persons consisting of 4 regime wings, 1 regime wing for 50 persons, medical unit, rooms for short and long term meetings, 3 residential buildings for staff and so on was built in Lenkoran city. Works continue for construction of other objects.

In mixed regime penitentiary institution for woman convicts built in Zabrat settlement of Baku city the construction-installation works on administrative building, dormitory, medical unit, meeting rooms, production building, buildings for secondary and vocational schools and kitchen are completed. At the same time construction-installation works were finalized for security building, admission and waiting rooms, administrative building, dormitory, medical unit, meeting rooms and general education school of the Education institution for minors built in this settlement.

Construction documents were prepared and drawings were received for a mixed regime penitentiary institution to be built in Kurdemir region.

At the same time, construction-repair works and renovation works were carried out in a number of penitentiary institutions during the respective period of 2012.

On the issue of improvement of regime on out-of-cell activity for persons kept in detention see paras 60-61.

2. Ill-treatment

On para 47 (bringing to the attention of the administration of Ganja investigation isolator and all its staff that ill-treatment of prisoners is unlawful and punishable):

The issue of protection of rights and freedoms of convicts and accused is paid a special attention, and serious examination is ensured for violation of these rights and freedoms by staff, ill-treatment, misuse of authority and other cases. On 13 September 2012 the deputy minister of Justice – chief of Penitentiary Service signed a decree with an aim to ensure observance of the requirements of the legislation in treatment of convict and accused in penitentiary institutions, prevention of such cases and strengthening of the control in this field. The decree was sent to subordinate institutions including the investigative isolator #2 mentioned in the report and was brought to the attention of the staff.

As an awareness raising activity in this field, within the Programme ‘Support to reforms in justice’ implemented jointly with the European Commission, a book devoted to treatment of prisoners including the legislation on enforcement of punishments as well as conventions of UN and Council of Europe (Compilation of main normative and international acts for staff of penitentiary service in 5000 copies) on torture preventing and scientific-practical commentary of the Code on Enforcement of Punishments (in 3000 copies) were published, distributed to staff of the institutions and made available for use of prisoners through the libraries.

In the Training Center of the Penitentiary Service the topics on requirements of international treaties on treatment of convicts and accused were included into the curriculum of the courses and taught to the staff.

3. Condition of detention of convicts

On para 48 (installation of UV contact system in all cells of Baku investigation isolator):

Supplying the cells of the regime wings of Baku investigation isolator with a call-signal for calling a duty officer is planned for 2013. A relevant budget for this was allocated in the budget of that year.

On para 49 (taking measures on keeping the buildings in Baku investigative isolator in satisfactory conditions):

Ground waters resulted from heavy rains in 2011 caused certain damage to regime wings 6, 7 and 8 of Baku investigative isolator. In this regard repair works started in those wings by shifts. In wing 8 repair works were completed and in wing 7 the works are intensively ongoing. Following these repairs, the works will start in wing 6.

Works are also ongoing as to renovation of natural ventilation system in the cells as well as construction of reception-waiting room of the isolator.

On paras 51-52 (detailed information on measures taken on improving detention conditions in penitentiary institution #8, full isolation of sanitary annex must be included into such measures; taking measures on respecting four sq.m. requirement of living area per each prisoner in penitentiary institution #8; keeping prisoners in smaller dormitories):

In dormitory 1 of the institution the floor is wooden and current repairs are ongoing in the building of dormitory 2 (the floor already was wooden). Canteen underwent major repairs and institution's internal water pipe was replaced.

The issues of keeping convicts in smaller cells, total separation of sanitary annex, enlargement of exercise yards and ensuring occupation are planned for realization in 2013 since they are dependent on financial issues.

Necessary measures on elimination of population density in the institution were continued including transfer of convicts who served part of their service from cell-type rooms to regular residential buildings for exemplary behavior (41 convicts in 2011-2012). The population density in this institution had a temporary nature.

At the same time once the new prison which is being built in Umbaki settlement is operational, the problem will find its solution as the prisoners transferred from penitentiary institutions to prison for certain period based on court decisions and kept in penitentiary institution #8 will be transferred to a new institution and will receive four sq.m. living area.

On para 53 (permitting convicts more often access to shower in penitentiary institution #8 by taking into account European Penitentiary Rules):

The shower in the institution was repaired, the roof was replaced and the convicts are regularly provided with access to shower.

On para 55 (providing at least one hour open air exercise during a day to persons kept in Ganja investigative isolator):

Persons detained in investigative isolator #2 are provided with exercise time of no less than an hour a day.

On para 56 (updated information on putting in commission the investigation building of the new institution in Sheki city):

Constructing-installation works for the mixed regime penitentiary institution built in Sheki city has been completed and necessary equipment has been installed. The works on checking the premises of the institution by zones and approving them have commenced.

On para 57 (taking measures on keeping detention condition of Ganja investigation isolator on acceptable level during the exploitation period):

Right after the visit to investigative isolator #2 broken windows of some cells were repaired and replaced. With an aim to prevent such so to say unbelievable deficiency in other institutions check-ups were made in all penitentiary system and no similar problem was discovered.

With an aim to reduce the population density in the institution although temporary but effective works were carried out, each arrested person was provided with a sleeping place and belongings, and the facilities of medical unit were used as well.

Sanitary annexes in cells of 2nd regime wing were completely repaired and electric wires were replaced. The corridors were repaired and water and sewage systems were replaced in all regime wings. Repair works were made in two cells designed for women and cells of punishment isolator as well as in bedrooms of prisoners kept for maintenance service. Roofing of bathroom was repaired and water supply was renewed. Routine repairs for improving detention conditions in the cells of wings as well as works on reconstruction of sanitary annexes are ongoing. As enlarging windows in the cells and routine repair works in quarantine rooms depend on finances, those works will be undertaken in 2013.

On paras 60-61 (providing vocational training to prisoners of penitentiary institution #8, information on how to use sport installations for all prisoners, including those kept in cells; taking measures in Baku investigative isolator and penitentiary institution #8 with an aim to prepare out-of-cell activity programmes for all prisoners and convicts and to put it into realization; enlarging exercise yards in PI#8 and supplying covers for protection against bad weather conditions; access to TV for convicts and prisoners of prison regime):

With an aim to organize effective leisure time for prisoners of PI#8 computer classes were arranged and measures are underway to organize different courses. At the same time different installations and equipment including a tennis table was provided for prisoners to engage in sport activities. Prisoners can also enjoy a volleyball playground. Library was provided with new literature of different content and the quantity of books was brought to five thousand.

With an aim to organize education for prisoners in the institution the necessary equipment was allocated. On the third floor of dorm type residential building construction-repair works are underway with an aim to organize rooms for education, computer and phone talks as well as sports hall.

The administration of the Penitentiary service submitted a request to the Ministry of Education with an aim to organize general education school in PI#8. Vocational group of Baku vocational school #22 was organized in this institution based on the order of the Ministry of Education of 12 October 2012.

For your information, during last two years 2121 prisoners were attracted to general education, 2263 to long term (one year) vocational education and 7572 to public benefit works in all penitentiary institutions.

Part of prisoners of PI#8 who were sentenced by a court decision to serve the sentence in special regime establishment live out-of-cell life. Other prisoners kept in the cell by the decision of the director of the institution can be transferred to out-of-cell condition after they serve a certain part of their term.

The issue of organizing out-of-cell activity of remand prisoners in Baku Investigative Isolator is being studied. The problems connected with out-of-cell activity of the accused will be dealt with once the institution is fully set for operation.

Exercise yards in PI#8 were provided with benches and metal covers for protection against bad weather.

As to the issue of access to TV for the accused persons, it must be said that the newly adopted Law 'On ensuring rights and freedoms for persons in detention' gave them, inter alia, the right to watch TV programmes (for more on this please see para 87).

As to the issue of access to TV for prisoners kept in prison regime it must be said that previously not all prisoners had this right. As a result of development of the legislation of Azerbaijan on enforcement of punishments and its humanization, the rights of persons deprived of freedom including lifers were enlarged and, inter alia, a possibility was established for them to watch TV programmes. However, when prisoners get a prison regime by a court decision for intentionally violating regime rules, their right to watch TV programmes is restricted to a certain period as a type of punishment with an aim to reinforce the detention condition. This measure is a temporary one. For this reason the prisoners kept in prison regime in PI#8 during your visit could not use this right.

Taking into account the CPT recommendations, a draft law was prepared on making relevant changes to the Code on Execution of Punishments with an aim to permit watching TV programmes for all prisoners kept in prison regime and it is at present in the stage of coordination with other bodies.

4. Detention condition of lifers

On para 64 (full separation of sanitary annexes in the cells of lifers in the prison):

Repair works were made in regime wings of prison and in a part of canteen where vegetables were kept. A wooden floor was installed in the dorm where prisoners kept for maintenance services stay, the windows were enlarged and sanitary annex was fully repaired. Repair works were made also in the punishment isolator and the windows were enlarged. Currently the warehouse is being renovated.

The works connected with full separation of sanitary annexes in the cells of lifers were included into the list of routine repair of 2013.

On para 65 (immediate measures on preparation and realization of out-of-cell activity regime for lifers; revision of the policy which enables only prisoners from one cell to be on exercise yard):

The suggestions on ensuring exercise time for lifers together with other prisoners is being studied.

On para 66 (approving that the proposals of the Construction commission were taken into consideration in the construction of a new prison in Umbaki settlement; engaging lifers into education/vocational training in a new Prison; exclusion of article 104.6 of the Code on Execution of Punishments):

In accordance with the CPT recommendations, a change was made into a plan of a new prison which is being built in Umbaki settlement of Baku city and amendments were made to a construction plan in order to organize in its territory common exercise yards, sport fields as well as a production area.

Having taken into account the recommendations, a draft law providing for engaging lifers to education was prepared and it is being coordinated at the present. This draft law also contains provisions for further improving the detention condition of lifers and providing other benefits to them.

On para 67 (revision of rules and practice on keeping lifers separate from other prisoners):

The suggestion for keeping lifers together with other prisoners is being studied. On 16 October 2012 a change was made to the Code on Execution of Punishments with an aim to humanize the rules on execution of punishments for such prisoners as well as enlarge their contacts, and as a result the quantity of allowed phone calls for them were doubled. If previously they were eligible for 24 phone calls during the year, now it is 48 calls.

On para 68 (mid-term and long-term plans for detention of women in prison regime):

A special wing is planned in the new institution which is being built in Umbaki settlement of Baku with an aim to detain women prisoners separate from men in the prison.

5. Health service

On para 69 (detailed information for prison staff on first medical aid courses; significant increase of quantity of mid-level medical personnel in the prison and Baku Investigative Isolator, immediate recruiting of a male nurse (*'feldsher'*) in PI#8 and strengthening mid-level medical personnel's resources by at least one position; availability in all institutions including at a night time of a personnel which can provide first medical aid):

With an aim to organize courses for staff of penitentiary service of the prison on first medical aid an appeal was sent to the Institute on Modernization of Doctors of the Health Ministry and teaching of lectures on first aid for pre-doctors commenced.

For the purposes of increasing the quantity of *'feldshers'* in the prison, Baku Investigative Isolator and medical unit of PI#8 as well as organization of night shift there was held a meeting with medical personnel of medical institutions of the settlement near the penitentiary institution and advertisements were posted in public places and mass media means.

The options are studied for ensuring that someone with relevant medical background is in the institution at a night time for providing first aid.

First 20 students of military medical faculty of Azerbaijan Medical University who are prepared for Penitentiary Service starting from 2009 are on their 4th year. We believe the problem can partially be solved by attracting them to this work in the near future. Such experience will also help them to gain practical skills for working in penitentiary institutions after graduation from the University.

On para 70 (adequate supply to medical unit of PI#8):

Medical unit of PI#8 was provided with relevant medical equipment including ECG and Ambu apparatus and different medical supplies and stock.

At the same time, equipping laboratory was completed, biochemical analyzer and automatic IFA equipment were supplied and a GEN-expert apparatus which quickly identifies tubercle bacillus was installed in the medical unit of Baku Investigative Isolator. During the previous period in total 670 examinations were held here with an aim to discover TB.

For your information, as a result of complex measures against TB undertaken in cooperation with the International Red Cross Committee death cases among prisoners are reducing year by year, for example, in comparison with statistics of death from TB in 1995 now it reduced by 35 times. Exact diagnoses of TB can be made not in 3 months but within 1000 times less time, i.e. 1 hour and 40 minutes with the help of new express-test which for the first time in the world is used in the penitentiary institutions in Azerbaijan. ICRC declared that Azerbaijan does not any more need its help in fighting TB and decided to handover the control over TB completely to the Ministry of Justice and emphasized that our republic can share its positive experience with other countries. Some states (Georgia, Moldova, Kirgizia, Tajikistan, Turkmenistan, Kazakhstan, Philippine and Iraq) already benefited from this experience.

On para 71 (keeping some prisoners for reasons not connected with medical necessity in hospitals of Baku Investigative Isolator and the Prison):

In-patient activity of medical units of Baku investigative isolator and Prison were checked without prior warning by the staff of Main health department of the Ministry at different times during the day and in none of the institutions it was established that persons are kept without need to medical aid. Nevertheless medical personnel of all penitentiary institutions were demanded to provide specialized medical aid to prisoners and to prevent transfer when there was no medical necessity and this issue was taken under special control.

On para 72 (ensuring confidentiality of medical examinations):

In Baku Investigative Isolator a staff of the institution is present in the examination room during the medical examination with an aim to ensure the security of a medical staff member. Instructions were given to medical staff that this staff member should make his observation from aside without violating doctor-patient confidentiality and from a distance that does not enable to hear the conversation, and relevant conditions for this are being established at the present.

On para 73 (ensuring detailed registration is maintained in medical files after medical examination; periodically bringing information to the relevant prosecutor on each case when the allegations of ill-treatment from the prisoner coincide with information about the injuries, making each examination results accessible to a prisoner and his/her advocate):

Preliminary recommendations of the CPT were broadly discussed at the Health Council of the Main Health Department of the ministry on 24 January 2012. Specific instructions were given on issues raised by the CPT in connection with injuries and transfer of prisoners. With an aim to further improve registration of injuries, their description in medical files, transfer to relevant bodies of the Ministry of Justice, the Main Health Department signed a special order on 16 March 2012.

The order contains instructions on conducting immediate medical examination of the accused entering penitentiary institutions, describing in details the injuries with which the person arrived or the ones obtained in the institution and transmitting this information to the director of the institution and Main Health Department.

In the main department the control over the injuries was entrusted to a special inspector. In accordance with the order, written information about injuries are submitted to the director of the institution without delay by the doctors of medical unit and the copy is sent to the main department. The information is generalized in Main Health Department and sent to Penitentiary service on 1 and 15 of each month.

A person on whom injuries were discovered at initial examination is received again by the doctors of the medical unit and examination is done again as to causes of the injuries.

When complaints on torture and inhuman or degrading treatment are made as well as when injuries alleged as a result of such treatment are discovered, a registration is made in the relevant part of a medical card.

In accordance with the Law 'on ensuring rights and freedoms for persons in detention', before an accused is sent to the investigation or court and after he returns to the isolator s/he is received by a medical personnel iteratively. If new injuries are discovered on the body, relevant notes are made in a medical card and the information is transmitted as described above.

In accordance with article 22.5 of the Law, when an apprehended or arrested person gets sick or receives bodily injury medical examination over him/her is made immediately by medical personnel. The results of medical examination are recorded and presented to an apprehended or arrested person as well as his/her advocate if such request is made. By this CPT recommendations were taken into consideration in the Law.

In accordance with article 22.4 of that Law a draft 'Rules on providing medical aid to arrested persons at investigative isolator' was prepared and sent to Health Ministry for consideration.

On para 74 (reflecting detailed information in all medical files in PI#8):

Health Council of Main Health Department had a broad analysis and discussion of activity of the medical unit of PI#8 and examined the reasons behind deficiencies discovered and gave relevant instructions on preventing such cases in other institutions. Chief of medical unit of this institution was dismissed by the order of the Ministry of Justice dated 19 January 2012.

Activity of the medical unit was strengthened as some cadres were sent there and the problems were eliminated. An issue of medication and supply provision to medical unit was again studied and the number of types increased. Control over realization of medical service in the institution by inspectors of the main department and organizational assistance facilitated the work. As a result of measures taken CPT's issues of concerns on the activity of medical unit were eliminated.

On para 75 (assistance provided to drug-addicts in Baku Investigative Isolator):

In 2007 when a vacancy chart was revised penitentiary institutions got a new vacancy of doctor-narcologist-psychiatrist in their medical unit and the quantity of doctor narcologist increased from 2 to 21. At present a doctor-psychiatric-narcologist is operating in Baku Investigative Isolator.

Information about narcologic status is collected from each person entering the institution during the preliminary medical examination and is recorded in the medical card on the page of preliminary medical examination. If an opinion is formed that a person is drug addict or alcoholic

he has to undergo thorough examination by doctor-narcologist-psychiatrist and if needed medical measures are taken in accordance with the requirements of the legislation (Rules approved by the Decision of the Cabinet of Ministers of 26.01.2006 and 09.02.2006).

With an aim to improve narcological assistance in penitentiary institutions the Main Health Department signed an order (14-T of 26.05.2011) and relevant instructions were given to its doctor-narcologist-psychiatrists.

At present each person with abstainer syndrome is provided with narcological assistance depending on his/her condition and the treatment is carried out in accordance with clinical protocols of the Health Ministry.

On para 76 (maintaining registry for use of special ward-cell in Baku Investigative Isolator and written policy on its use):

With an aim to ensure a legal basis for transfer to ward-cell with special detention conditions located in medical unit of Baku Investigative Isolator an amendment with the following content was made to the 'rules on providing medical assistance to arrested persons in investigative isolators' prepared in accordance with the Law 'On ensuring rights and freedoms for persons in detention':

“an arrested person who was observed to have dangerous behavior against himself or others in the period of detention in the isolator is transferred to a ward-cell with special detention condition for up to 24 hours based on an opinion of a medical staff. When medical measures are not effective during this period that person shall be transferred to a respective institution for a specialized psychiatric assistance”.

On para 77 (conducting regular toxicological analysis in course of autopsy in cases of a sudden death):

All sudden death cases in penitentiary institutions are studied. During this study an opinion on the results of autopsy is obtained from the department of Forensic examination and Morbid Anatomy Union of the Health Ministry which does the autopsy. In all the opinions it is checked whether as a result of forensic-chemical examination in blood, stomach and intestine samples there are signs of alkaloids of cannabis group, methyl, ethyl, propyl, butyl and amyl spirits, barbituric acid formations, noksiron, phenothiazine, pyrazolone, 1.4 benzodiazepine formations and salisilat.

An official appeal was sent to administration of Forensic examination and Morbid Anatomy Union of the Health Ministry with an aim to give relevant instructions to respective persons about enlarging the spectrum of chemical examination and increase of attention to the work.

6. Other issues

On para 78 (revision of 24 hour work shift of the staff; looking anew at the issue of quantity of staff in women wing of Baku Investigative Isolator):

Revision of 24 hour work shift of the staff as well as looking anew at the issue of quantity of staff in women wing of Baku Investigative Isolator is being studied.

On para 79 (training of staff):

The persons who were newly admitted to work in Penitentiary service are attracted to preliminary training at the Justice Academy of the Ministry of Justice and only after this they are allowed for service. At the same time with an aim to increase theoretical and practical skills of

staff of penitentiary system different preparatory courses are organized in the Training center of the Service. In the relevant period of 2012 69 staff members of junior management level attended 4 training in the Center.

On para 80 (openly wearing truncheons by personnel of PI#8):

Staff of penitentiary service obtains the possibility to bear such tools only after they gain theoretical and practical skills on the application of such special tools against prisoners and accused. Special tools (ribbon truncheons and handcuffs) are stored in specifically designed places and in case of necessity they are given for usage to staff in the order provided for in the legislation. The staff is periodically instructed on the rules for use of special tools. Taking into account the recommendations, staff of guard of the institutions is attracted to training and proposals were prepared with an aim to improve the work of their service.

On paras 81-83 (reducing period of detaining minors in punishment isolators, providing socio-pedagogical support and contacts to them there; changing period of detention of adult prisoners in punishment isolators; revision of rules on contacts of persons placed in punishment isolators with outside world):

According to the Law 'On ensuring rights and freedoms for persons in detention', application of a measure of 'transfer to punishment isolator' in relation to minor detainees was prohibited. According to a new law, new material-household condition, including special medical care and special food norms were determined for such persons and possibility was provided for at least two hour daily exercise time. They got the possibility to continue their secondary education and became eligible for four short term meetings per month, psychological assistance, 15 minutes phone calls twice a week for strengthening their social ties, for watching TV programmes, having unlimited correspondence, engaging in sports and playing table games.

At the same time a draft law was prepared and at present this document is at the stage of coordination with an aim to introduce changes to the Code of Execution of Punishments as to the issues of reducing the period of transfer to punishment isolator, reducing the maximum period (15 days) for detention of convicts in punishment isolator, giving an opportunity to have meetings for prisoners who were transferred to punishment isolators in penitentiary institutions as well as those transferred from the institutions to a prison because of intentional violation of rules of execution of punishments, their right to make phone calls and watch TV programmes which is applied to prisoners of all categories.

On para 84 (giving a copy of a decision on a reprimand measure to a convict):

According to article 10.2.7 of the Code on execution of punishments the convicts have the right to express their opinion of or submit a complaint about the decision on execution and enforcement of punishment against them. With this purpose a convict against whom a reprimand measure was made in a penitentiary institution is explained of his/her right to submit a complaint to the Ministry of Justice or court, and a relevant note about it is made in the decision of the administration by having the prisoner signing it. Complaints addressed to the body executing control over the activity of the institution are sent immediately without censorship.

Having taken the recommendations into account, instruction is given to directors of penitentiary institutions to give a copy of the decision to convicts when they so requests.

On para 85 (taking the following measures in the punishment isolators of the prison and PI#8: improving artificial lighting in the cells and providing at least one hour open air exercise per day to convicts):

The administration took note of the issue of providing at least one hour open air exercise daily for convicts kept in the cells of the prison and PI#8. In PI#8 the cells of punishment isolator underwent routine repair and artificial light was brought to necessary level. Windows were enlarged in cells of the punishment isolator of the prison to improve the artificial lighting.

On para 87 (updated information on contacts of accused with external world):

Having taken the recommendations of such influential international organizations as UN, Council of Europe, OSCE, CPT, ICRC, as well as in line with the requirements of international documents on treatment with prisoners, the Law 'On ensuring rights and freedoms for persons in detention' was adopted on 22 May 2012 and the President of the Republic of Azerbaijan issued a decree on its implementation on 6 July 2012. The law gave the arrested person such new rights as the right to meet four times a month for up to 4 hours with close relatives or any person contacting with whom would lead to legal interest for him, to have unlimited meetings with an aim to get legal aid, to receive psychological assistance, to make phone calls twice a week for up to 15 minutes, to watch TV programmes, to have unlimited correspondence, to engage in sports and to play table games.

New law also reflected particularities of detention of women and minors in detention facilities. Improved material-household conditions including special medical assistance and food norms were defined for pregnant women, women with a child under 3 and minors. Pregnant women and women with a child under 3 obtained the right to have up to 4 hours exercise time daily and minors – up to 3 hours. It was prohibited to apply punishment isolator as a reprimand punishment for this category of persons. This law also envisages establishment of conditions for minors to continue their secondary education.

Measures are being taken in order to study and realize material-technical conditions for ensuring opportunities for accused to have meetings, phone calls, engage in sports and watch TV.

As a result of analysis a necessity in purchase of 700 TV sets appeared and finances for it were allocated as a result of negotiations with the Ministry of Finances. TVs are already installed for minors in Baku Investigative Isolator and works are ongoing for other detainees.

It was determined that in order to provide a possibility for detained persons to call to their relatives twice a week 58 phone lines were needed and measures are being taken to wire those lines.

At the same 'Internal discipline rules of the investigative isolator' were drafted and having taken into consideration the proposals of relevant bodies a final version was sent to the Cabinet of Ministers of the Republic of Azerbaijan for an approval.

It must also be mentioned that 13 modern compact 'FIAT' automobiles of special use were purchased and set for usage in order to ensure that detainees are transferred to investigation bodies, expertise centers and courts in conditions when human dignity is respected.

At the same time a specially equipped 'Renault' automobile for transfer of TB prisoners was purchased and set for use. Only prisoners suffering from TB are transferred in this car and staff of penitentiary service is separated from them.

On para 88 (revising a right of convicts to have meetings):

Proposals on providing the right to have a meeting once a week to all convicts irrespective of detention regime and category is being studied.

On paras 89 and 91 (having, as a rule, open short term meetings; looking at the issue of improving the procedure for short term meetings in the prison):

Providing convicts and accused in the prison and Baku Investigative Isolator with short term meetings with their close relatives and other persons behind a separation barrier is in line with current normative documents and is connected with ensuring the security. The issue of providing such meetings without separation barrier is being studied and the decision will be made based on the results.

The queues are possible in prison when persons are coming to a short term meeting with convicts except for weekends, holidays and other non-working days. The reason for queues is connected with checking clothes and goods brought for prisoners as well as checking the food. In spite of it, there were no cases when meetings were not given on time except when a convict refuses to come out for a meeting or in cases when s/he has no right for a meeting for the said day under the legislation.

On para 92 (taking measures for observing in practice article 83.5 of the Code on execution of punishments; approving receipt of the convict's appeal by the relevant body):

All appeals including complaints addressed to body enforcing control over bodies executing punishment of convicts in penitentiary institutions including the prison are sent to the address by taking under control by administration in accordance with the periods provided for by the legislation. With an aim to eliminate the deficiencies which existed previously in this field a date of submission is written on the envelope of the letter which the convicts detained in cell-type rooms give to staff of the institution for sending off and its sending is ensured by registration in chancellery of the institution after the notes are made in a specially maintained journal. Convict's letter is censored only for purposes of preventing a crime in accordance with the law with motivated decision of the administration. At the same time letters to convicts and from them can be opened with an aim to confiscate prohibited items but it is not allowed to read the content. Such cases are taken into control by administration of the Service and Prison and relevant investigation is made in connection with complaints of convicts against any unlawful behavior of the staff. The results of investigation are communicated to the convict who complained and special attention is paid to bringing those guilty to disciplinary punishment.

On para 93 (visit of representatives of public to penitentiary institutions and investigative isolators):

Special attention is paid to visits by non-governmental organizations to penitentiary institutions and necessary conditions are established for this. In the relevant period of 2012 international and local non-governmental organizations including human rights protection organizations made 153 visits (in 2011 it was 121) of which 45 are by Human rights commissioner (ombudsman) of the Republic of Azerbaijan and staff of its National preventive group, 20 by OSCE, Council of Europe and European Union, 16 by ICRC, 15 by Public Committee under the Minister of Justice and 58 by non-governmental organizations.

It must be mentioned that the Law 'On ensuring rights and freedoms for persons in detention' contains a provision on public control over the activity of the detention facilities.

According to the law, Human rights commissioner (ombudsman) of the Republic of Azerbaijan and staff of its National preventive group can enter at any time without restrictions and prior notice to detention facilities, meet and speak with persons kept there as well as other persons who can give relevant information in person or when needed with help of specialist or translator, familiarize with and make copies of any documents approving the lawfulness of their detention in that facility as well as documents related to treatment and detention condition, draft an act, make minutes of measures realized and results obtained, be received without delay by the administration of the detention facility, ombudsman also has the right to make relevant recommendations in places of detention and to get reply to those recommendations within certain period of time.

A number of staff were punished for deficiencies and shortcomings discovered during the CPT visit. For example, along with the head of medical unit of penitentiary institution #8 the head and deputy head of a settlement type penitentiary institution #2 were dismissed, 2 staff members were dismissed from service in justice bodies and 4 staff members of penitentiary service got reprimands.

Information of the Ministry of Health of the Republic of Azerbaijan

The report on the visit of the delegation of the European Committee for the prevention of torture and inhuman or degrading treatment or punishment (CPT) in December 2011 was studied in parts related to the Ministry of Health.

In the Committee's report submitted to the leadership of the country a number of shortcomings were noted in regards to psychiatric hospitals.

During this period targeted works were undertaken for eliminating the shortcomings discovered in the hospitals.

For example, issues of medical personnel's treatment and behavior towards patients and prevention of violence amidst patients were taken into strict control by the relevant structures of the Ministry of Health and the administration of psychiatric hospitals.

New instructions were prepared on issues of applying measures for restricting movements of patients and their isolation in psychiatric hospitals as mentioned in the report.

In addition, with an aim to increase the knowledge of medical personnel, a group of doctors and mid-level medical personnel were sent to Lithuania in 2012 for a theoretical practice.

All family members of the patients were provided with brochures on internal rules of the hospital and the rights of the patients.

At the same time, during the present year more than 20 units of psychiatric hospitals underwent major repairs and a new building was built for 4 units and given for use of patients. The units were provided with modern medical equipment, beds, bed sheets, clothes for patients, soft furniture and TV sets. In addition, the quality of daily food of the patients was improved.

The relevant structures of the Ministry of Health periodically control the issues of detention condition of patients in psychiatric hospitals, issues of improving food, application of measures on restriction of movements and elimination of other unpleasant cases without delay.

Information
of the Ministry of Labour and Social Protection of the Population of the Republic of Azerbaijan on the works done in connection with enforcement of the recommendations reflected in the report on the results of the periodic visit of the European Committee for the prevention of torture (CPT) to Azerbaijan in December 2011

1. Preliminary remarks

Paragraph 128

The Ministry of Labour and Social Protection of the Population of the Republic of Azerbaijan welcomes the submission by the representatives of the European Committee against Tortures of the results on examination held in specialized psychoneurological boarding home # 8 in Goygol which is subordinate to our Ministry and stands ready to take measures to continue improving the level of service in this field. In this regards, a Commission was established in the State Social Provision Service of the Ministry and relevant measures are being taken to eliminate the identified shortcomings.

For your information, during the time when the delegation was in boarding home a part of residents from other social service establishments were transferred to boarding home # 8 due to repair works and this was the reason of temporary overcrowding. When repair works were completed 22 person were transferred back to the establishment where they permanently live. At present 122 residents live in the establishment. On the other hand, on the basis of request from parents or relatives of persons who has light mental disability and with their accompaniment it is allowed to take them home for a certain period.

The village road leading to the boarding home has already been repaired.

Paragraph 129

We would like to note that the Ministry of Labour and Social Protection of the Population consecutively conducts events in implementation of commitments deriving from the UN Convention on rights of disable persons and undertakes reforms in this field together with other state bodies and civil society institutions. At the same time, the Law on Social Service of the Republic of Azerbaijan which was at the stage of discussion during delegation's visit was adopted on 30 December 2011. At present draft normative documents are being prepared for implementation of the said Law. Azerbaijani and English versions of the Law can be obtained from the webpage of the Ministry of Labour and Social Protection of the Population (www.mlsp.gov.az).

The Ministry of Labour and Social Protection of the Population conducts studies on application of models of alternative care in the field of social services. With this purpose a delegation composed of representatives of the Parliament of the Republic of Azerbaijan, the Ministry of Labour and Social Protection of the Population, the Ministry of Finances and Representation of UN Child Fund in Azerbaijan had a trip to Croatia on 27 May – 2 June 2012 and they were familiarized specifically with the practice on alternative social service (community based small group houses) for persons with mental disability.

As a continuation of the mentioned events, in the near future together with specialized organizations in the frame of a pilot project it is planned to arrange an establishment of family type small group house where 6-8 persons from Goygol specialized psychoneurological boarding home #8 with light mental disability and ability to live independently will be transferred for living.

2. Inhuman treatment

Paragraphs 130-131

The Ministry of Labour and Social Protection of the Population took a series of serious measures on addressing the deficiencies and issues of special concern as identified during the delegation's visit to Goygol specialized psychoneurological boarding home #8 and the works in this field are ongoing.

Inhuman treatment of residents of the boarding home was confirmed as a result of examination by staff of State Social Provision Service. For this reason the director and two other staff of the boarding home got reprimands according to the Labour Code and all other staff got warned to strictly observe the rules on treatment of residents. With an aim to implement control over observance of human behavior rules towards residents and make additional examination of the deficiencies reflected in the report, a group was established in composition of administration of the Ministry of Labour and Social Protection of the Population and senior staff of the Ministry, Public Council under the Ministry and organizations specialized in social rehabilitation of persons with disabilities and on 16 November 2012a visit was paid to the boarding home without prior notice. During the examination the deficiencies reflected in the report were confirmed by us and by the order mentioned above a director of the institution was dismissed and a new person who has experience in the field of management of a social service establishment was appointed as a director of the boarding home.

Violence among residence was also connected to overcrowding and living together of persons with different level of disability. From this perspective ensuring treatment in relevant medical institutions according to the results of re-diagnostics of residents will make a positive influence on their psychological condition.

Alongside with this, the courses organized in 2012 with an aim to increase knowledge and skills of the Ministry's staff working in the field of social service attracted staff of social service establishments including Goygol specialized psychoneurological boarding home #8 and information about provisions of UN's Convention against torture and other cruel, inhuman or degrading treatment or punishment was provided.

Paragraph 132

An appeal was sent to relevant state bodies with an aim to increase quantity and diversity of staff for providing services to residents of the boarding home. Moreover, works are ongoing for improving the legislation including sample charter and instructions with an aim to increase the quality of social service in the boarding home.

3. Living conditions

Paragraphs 133-136

A number of measures were also undertaken to improve living conditions of the residents living in the boarding home. Central heating system of the establishment was repaired, all bathroom and toilets were brought to usable condition, isolator rooms were created on 1, 3 and 4 floors. Major repair works in the boarding home is planned for subsequent years.

Attention is paid to regular provision of sanitary-hygienic care to residents and their bed sheets are renewed. They were also provided with clothes and shoes corresponding to a season. We plan to supply also shelves for the rooms. Conditions were created for residents to take a bath at least once a week. Measures are being taken for keeping food for residents in the proper level and further improving conditions in the kitchen and living rooms.

A leisure corner in the lobby of 3rd floor, a room for using music instruments on the 1st floor as well as woman hairdresser's room for residents and volleyball playground in the yard of the boarding home were established for improving the leisure time of the residents. The residents of the boarding home were also provided with 3 sets of computers.

4. Treatment of residents

Paragraphs 137 and 140

At the initiative of the Ministry of Labour and Social Protection of the Population and with an aim to improve medical care of residents in boarding home relevant works are done together with the Ministry of Health. The residents underwent complex re-diagnostics by specialized doctors (general physician, psychiatrist, surgeon, gynecologist, psychologist, etc.) and relevant individual treatment and rehabilitation plans were prepared and are being implemented. It was ensured that some residents were sent to specialized medical institutions as a result of those examinations. At the same time boarding home was provided with wheelchairs for residents with limited movements.

Moreover, with an aim to realize social rehabilitation measures of the residents, trainings are organized on different national applied arts and painting based on a contract with specialized organizations and it is planned to organize periodical visits to the establishment of music bands of cultural centers located in Ganja and Goygol.

It is also ensured that the residents whose health condition so allows are on open air during the day in shifts. A quantity of relevant installations that would protect residents from inadequate weather will be increased in the yard of the boarding home. Renovation of elevators in the boarding home is planned within the major repair works.

Paragraph 138

The shortcomings in the field of medication, including assignment and giving of psychotropic medication to residents were brought to the attention of the doctor and lower medical personnel of the boarding home and strict instructions were made about strengthening control in this field.

Paragraph 139

Registration books and personal files for persons admitted, released and deceased in the boarding home were brought into order and the control over this field was strengthened.

Paragraphs 141-142

Based on preliminary investigation on registration documents on death incidents in the establishment during 2010 and 2011, it was determined that such cases mostly resulted from cardiovascular collapse. An appeal will be sent to a relevant state body for a joint activity with an aim to check some circumstances which cause doubt in this regards.

5. Staff

Paragraphs 143-145

An appeal was sent to relevant state bodies with an aim to increase the quantity and diversity of staff for provision of services to residents in the boarding home. Moreover, the Ministry of Labour and Social Protection of the Population plans to attract volunteers as well as psychologist, social worker, pedagogue and labour therapist within the framework of a joint project with relevant specialized organizations in order to do work for residents in the boarding home.

6. Tools for restraint and isolation of residents

Paragraphs 146-147

It is not allowed to restrain residents with heavier disability during their nervous tension condition and such residents are transferred to a relevant specialized medical institution.

7. Tools for protection

Paragraphs 148-151

The mechanism of placing a person to a social service establishment is carried out in accordance with the existent legislation. In addition, it is planned to appeal to relevant state bodies for conducting study and consultations in regards to alternative protection mechanisms and guardianship institution as mentioned in the report.

Paragraph 152

The works are ongoing for organizing visits of the Public Council under the Ministry consisting of non-governmental organizations as well as attracting volunteers in order to create conditions for contacts of the residents with outside world. At the same time a possibility is being created for residents of the boarding home to have phone conversation in private on the basis of doctor's permission.

Paragraphs 153-154

With an aim to ensure effectiveness of protection of rights of the residents of the boarding home and create official complaint mechanism, a phone was provided and posters as well as brochures are being prepared on rights of residents, bodies to complain and on the procedures.

In addition, being guided by the relevant articles of the UN Convention on Rights of disabled persons, conditions were created for representatives of different civil society institutions to visit without previous notification the said boarding home and other social service establishments for conducting independent an monitoring.