

THE 2016 HUMAN DIMENSION IMPLEMENTATION MEETING
19-30 September 2016
Warsaw, Poland

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Working session 2

Implementation of International Covenants on human rights at the national level: what we achieved in Azerbaijan

Mr. Moderator
Ladies and Gentlemen,

The Republic of Azerbaijan having gained its independence on October 18th, 1991 and marking 25 years of its independence this year has rapidly started integrating into the world community by selecting the secular statehood path. In a short time, the Republic of Azerbaijan has become a full-fledged member of the world integration.

The state of Azerbaijan having taken the legal statehood path along building a secular state in line with democratic principles has put forward the goal of harmonizing its effective legislation in line with the Constitution and international norms.

The provision of human rights and freedoms, and ensuring the deserved living conditions for citizens of the Republic of Azerbaijan has been declared as a main objective of the state according to Article 12 of the country Constitution.

The development and improvement of human rights in Azerbaijan is constantly in the center of attention. This process has comprised one of main directions of legal reforms conducted in the country.

From another angle, one needs to take into account that human rights and freedoms listed in the Constitution are provided in accordance with international agreements to which the Republic of Azerbaijan is a party.

The reciprocal relations of international agreements with national legislations live its transitional period. The norms stipulated in international agreements are reflected in multiple legal areas.

In addition, the norms identifying the relations of international law with national one are also stipulated in the Constitution of the Republic of Azerbaijan. Amongst them, Articles 10, 148 (part II) and 151 are in the forefront.

Article 10 of the Constitution of Azerbaijan identifies the principles of international relations. As such, pursuant to that Article, the Republic of Azerbaijan builds its relations with other states based on principles envisioned in international legal norms adopted uniformly.

Pursuant to Part II of Article 148 of Constitution, the international agreements to which the Republic of Azerbaijan is signatory are an integral part of legislative system of Azerbaijan.

In conformity with Article 151 of Constitution, should any contradiction appears between the normative legal acts entered into legislative system of the Republic of Azerbaijan (except the Constitution of Azerbaijan and acts adopted by referendum), and the inter-state agreements to which the Republic of Azerbaijan is signatory, those agreements will prevail.

The expansion of international relations of the Republic of Azerbaijan has led to its joining to multiple various agreements.

The norms of “Universal Declaration of Human Rights” and International Covenants have been fully and comprehensively envisioned in the Azerbaijani constitution.

The Constitution itself as a dynamic document is being improved from time to time with additions and amendments made to it in accordance with characteristics and requirements of time.

It is worth to mention that on August, 2002, the first referendum and on March, 2009, the second time referendum was held and several additions and amendments were made to the Constitution of the Republic of Azerbaijan.

As a result of those referendums, such issues as the improvement of election system and public administration, the election of Ombudsman, the establishment of an opportunity to directly appeal to the Constitutional Court, the provision of deserved living condition for citizens of Azerbaijan as the main goal of the state, the protection of children rights and other similar principal issues have found their legal solution.

Let me note that the amendments to be taken out to referendum determined to be held on September 26, 2016, in addition to serving further improvement of Constitution for its nature, and fuller expression of principal issues related to human and citizen rights and freedoms in this document, also draws the attention by carrying liberalistic, democratic weight in its provisions.

The analysis of Referendum Act indicates that the current constitution reform covers the most diverse areas of country life. The changes with respect to safety and protection, safeguarding of human rights and freedoms, social obligations related to private ownership, reliable provision of citizen’s information security, the expansion of citizens’ rights to elect and be elected, improvement of public administration structures and regulation of other important issues are of similar nature.

One of significant provisions stipulated in Referendum Act is the proposal with regard to protection of dignity right.

As known, the right of dignity, to its essence is the main objective of human’s all remaining rights.

Trenching upon the human dignity may both be a tool of a physical, as well as, of psychiatric influence. No one should be subjected to any torture, violence, other form of cruel treatment, neither to medical, scientific and other experiences without his/her consent. The protection of human dignity, undoubtedly, is provided by the state and no justification may be brought for its violation.

The preamble of World Human Rights Declaration stipulated the reference of the dignity feeling in to all humans on the earth, restoration of justice and peace in the world, the development and protection of humans' dignity feelings.

According to requirements of International Pacts the human's honesty and dignity comprises the moral basis of his/her economic, social and cultural rights and these rights stem from the dignity peculiar to human personality.

Let me note that the international papers with respect to human rights and freedoms identified the possibly limited and prohibited rights. The feeling of dignity was namely referred to the list of rights the limitation of which is prohibited.

As seen, the reforms for improvement of legislation in Azerbaijan while serving the protection of human rights and freedoms, are being conducted pursuant to international documents to which our country is signatory.

From this viewpoint, the proposals drafted in Referendum Act with respect to making changes to the Constitution are crucial from the perspective of more efficient protection of human rights.

I would like also to mention that the Azerbaijani Ombudsman has built and currently continues the effective cooperation with the UN Mechanisms and Treaty Bodies.

The Ombudsman of Azerbaijan jointly with UN OHCHR country representative office held a series of trainings on human rights reforms in Azerbaijan, UN human rights protection mechanisms, raising awareness of local NGOs regarding the Azerbaijan-UN cooperation, reporting to UN Treaty Bodies throughout the country.

In the meantime, Azerbaijani Ombudsman has conducted an extensive awareness work reflected in International Covenants and their optional protocols.

Let me point out that within the 118th session of the United Nations Human Rights Committee to be held from October 17th to November 4th, 2016 in Geneva, the fourth periodic report of Azerbaijan will be reviewed with respect to International Pact "On Civil and Political Rights". This is to share for information that the Azerbaijani Ombudsman has prepared its alternative report on International Pact "On Civil and Political Rights" and submitted to Human Rights Committee

I would like also very shortly to respond the complains of the Armenian delegation.

Armenia has already bothered all the international organizations with those complaints. Situation is so paradoxical, as you can imagine: Armenia occupied territory of a sovereign state, violated its territorial integrity, expelled local Azerbaijani population from the Nagorno-Karabakh and seven surrounding districts, making more than one million people refugees and IDPs, destroyed everything in the occupied lands, including historical, religious, cultural monuments and all the infrastructure, which was evidenced by the reports of two OSCE missions. Then Armenia has just pretended to engage in the negotiations process for more than 20 years. Moreover Armenia periodically makes different

provocations to make this process eternal. One of these provocations took place this April. Over 500 houses of Azerbaijani civilians were shelled from the Armenian artillery, more than 100 houses were destroyed, nearly 10 civilians, including children, were killed, died.

International organizations have a clear understanding of how this problem must be solved. There is a supreme international body – United Nations Security Council. It is the highest international organization. The Security Council adopted four resolutions in early 1990s. These documents demand unconditional and immediate withdrawal of the occupant Armenian forces from Azerbaijan`s territory. These resolutions remain unfulfilled. Armenia disregards them and tries to create a new reality by artificially changing the administrative borders of former Nagorno-Karabakh Autonomous Oblast and illegally resettling in that area. It is absolutely illegal. It is a crime, and this crime has continued up to the present time.

We are committed to a peace process. We work constructively. We have a Minsk Group format, but the Armenian side misuses this format just to make the negotiations continue for ever. They do not want peace. They just want to keep our territories under control and to accuse Azerbaijan everywhere of violating something. We are the aggrieved party. We did not occupy anybody`s territory. It is our territory, 20 percent of Azerbaijan`s internationally-recognized territory, that has been under occupation. This is the reality.

Thanks for your attention!