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Working session 2.

Activity of the Ombudsman of the Azerbaijan
Republic in the field of Human Rights

Madam Moderator
Ladies and Gentlemen,

Significant reforms have been conducted in the field of protection and promotion of human rights since the Republic of Azerbaijan gained its independence.

Adoption of the Constitution of independent Azerbaijan in 1995, was the beginning of creation of legal base important for state building processes in the country. Foreign and national policy conceptions of Azerbaijan were developed in compliance with international legal norms, during these years state-building processes have been successfully carried out in all directions, statehood traditions were enriched, necessary actions were taken in the field of ensuring of human rights and freedoms which is the highest objective of our independent state.

As a logical continuation of conducted reforms, national Action Plan on Protection of Human Rights in the Republic of Azerbaijan and National Program for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan were approved with the Presidential Orders on December 28, 2006 and December 27, 2011.

National Program for Action, which is the new document in ensuring of human rights, defines the priorities of raising the effectiveness of human rights and freedoms protection (improvement of normative-legal base, protection of the rights of different groups of population, improvement of the activity of governmental bodies, education, research-analytical and awareness raising activities in the field of human rights, cooperation with international organizations on human rights, coordination of implementation, as well as monitoring and evaluation of National Program for Action)

The Commissioner was recommended to guide the activity of the Working Group on Implementation of Program. This once more shows that the guidance by the Commissioner the implementation of National Action Plan which was adopted before the Program was successfully fulfilled by the Commissioner.

Round tables were organized, consultations with regard to implementation of the Program were held with participation of the members of the parliament, governmental bodies, NGOs, as well as media.

Public hearings were conducted in Ganja, Shaki, Jalilabad, Guba and Baki involving surrounding cities and rayon's for ensuring active participation of

governmental bodies, different groups of population, civil society in the National Program and for promotion of the above mentioned document.

Elected parliamentarians from those cities and rayon's, the representatives of local executive powers, courts, law-enforcement bodies, municipalities, local election commissions, NGOs, mass-media and communities attended those events.

I would like to note that the presentation of National Program for Action with participation of OSCE member states held in Vienna was very successful.

Due to democratic, legal reforms carried out in compliance with the Constitution of the Republic of Azerbaijan, institutional mechanisms were established.

One of the indicators of new system on protection of human rights in the country was adoption of relevant Constitutional Law, the legislative basis of the activity of the Commissioner.

On December 28, 2001, adoption of Constitutional Law on the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan and establishment of the institution of such legal importance gives an opportunity to functioning of effective institutions applied in leading countries in our country and was a turning point in human rights sphere.

Regulation of the Ombudsman's activity by the Constitutional Law, as a indicator of its significance for the society, highlights its difference from other governmental bodies and its exceptional place in general human rights protection system in Azerbaijan and provides guarantees arising from the essence of constitutional legislation. The activity of the Azerbaijani Commissioner is based on the principles such as transparency, publicity, legality, justice, impartiality.

The aim of the Ombudsman Office is targeted at implementation of human rights, restoration of violated human rights, and establishment of civil society, as well as state meeting the criterions of democracy and human rights system.

The mandate, strategic and conceptual attitude of the Azerbaijani Ombudsman was also a bit different. Ombudsman considers applications on the violated rights of not only Azerbaijani citizens, as well as of foreigners, persons without citizenship, thus whose rights were violated by state, municipalities or officials. She is not satisfied only with restoration of violated rights but also works towards prevention of such violations.

Due to amendments and additions made to the Constitutional Law on Ombudsman on June 24, 2011, new competences were given to the Commissioner. One of those amendments and additions is related to national preventive mechanism against torture.

According to the Presidential Decree of January 13, 2009 on Implementation of Optional Protocol Convention against Torture, and other Cruel, Inhuman or Degrading Treatment or Punishment, the Commissioner was designated as an institution fulfilling the functions of National Preventive Mechanism enshrined in OPCAT.

Constitutional Law defines the responsibilities, requirement concerning the members of this group, their immunity and other related issues.

According to the new amendments and additions, the Commissioner supervises over execution of duties by the information holding state bodies, municipalities and state officials in accordance with the requirements of the Law of the Republic of Azerbaijan “On access to information”.

Upon the recommendation of the Commissioner, a number of manuals on human rights were translated from English to Azerbaijan with the support of the UN Office of High Commissioner for Human Rights, OSCE, edited by the Commissioner and published. Moreover, materials on implementation of national Action Plan on Protection of Human Rights, and local and international conferences were published and disseminated among the population. Two educational books “Selected Topics on Hierarchic Education of Child Rights” and Child Rights for All” were published and presented to secondary schools for teaching child rights on the basis of human rights.

Human Rights have being already taught as a subject at Baku State University. At present human rights is taught in bachelor and master stages. Moreover, training of specialists on human rights in among Master degree students of that faculty demonstrates scientific approach to the issue.

International relations play an important role in the activity of the Commissioner. Due to these relations the experience and cooperation of the Commissioner with international organizations increased, some of her initiatives and its results were appreciated as a best practice.

Thus, cooperation with international organizations, including specialized agencies of the UN, UNCPI, UNFPA, UNHCHR, UNICEF, UNESCO, as well as OSCE, the Council of Europe, the European Union and others, also with international NGOs has been extended.

For further improvement of the experience gained in the field of human rights promotion and protection, cooperation with international organizations in this field, ten international conferences were organized with participation of different Ombudspersons in Baku. Ombudsman Office is also participated in a number of international programs, including Twinning, TAIEX projects and Eastern Partnership Programs realized by the European Union.

Considering the proposal of the Commissioner, June 18 was proclaimed as a National Human Rights Day with the Presidential Decree, from May 18 to June 18, human rights month-long campaign is conducted all over the country, series of events are organized by the governmental bodies, civil society within the framework of the campaign.

As a national human rights institution accredited with “A” status (re-accredited this year), the Commissioner fulfils evaluation, coordination on NAP and UPR, as well as duties of independent monitoring mechanism on Convention on the Rights of Persons with Disabilities. Moreover, upon the concluding observations of UN Child Rights Committee, the Commissioner practically fulfills the duties of Child Ombudsman.

Thank you for your attention!