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The role of the Ombudsman in combating trafficking in human beings

Madam Moderator

Ladies and gentlemen!

One of the international problems that results in gross violation of human rights, threatens life of human beings and contradicts human dignity is human trafficking.

Foundation of serious struggle against this problem was laid down in Azerbaijan and legislation base was created.

The Law "On combating human trafficking" was adopted in June 28, 2005 and two National Action Plans on combat trafficking in human beings in the Republic of Azerbaijan was approved by Presidential Decrees. The first in May 6, 2004, and the second in February 6, 2009.

There were also adopted several legal normative acts by the Cabinet of Ministers of the Republic of Azerbaijan in connection with combating trafficking, including "Regulations for establishment, financing, activity of special institutions for victims of trafficking and on control of their activity", "Regulations for immediately and hindrance delivering of victims of trafficking to special police structures", "Regulations of realization of social rehabilitation of victims of trafficking", "Order on determination of allowance paid to persons suffered from trafficking", "Statute of Aid Fund to victims of trafficking".

The Republic of Azerbaijan adhered to the most of international treaties in the field of struggle against trafficking, including the UN "Convention Against Transnational Organized Crime", supplementing this Convention Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, the UN Convention On the Rights of the Child Optional Protocol on the sale of children, child prostitution and child pornography, UN Convention on Action Against Trafficking in Human Beings and Exploitation in Prostitution by the Third Parties.

The responsible person on combat human trafficking was appointed in order to ensure organizational basis of struggle against trafficking. The working group consists of representatives of respective central executive bodies was established in order to create the system of mutual partnership among the participants of the National Action Plan and to provide exchange of information among them.

I would like to note that the Azerbaijani Ombudsman from the beginning of her work was took number of actions in the direction of solving of different kind of problems, worked out

package of proposals in order to achieve effective solution of problems, and most of those proposals were taken into account.

In order to coordinate her work towards the protection of rights of different categories of people, special counselors were appointed on the rights of military servants, prisoners, refugees and IDPs, elderly people, persons with disabilities, children, women and gender equality, struggle against torture, corruption, as well as the trafficking.

Trafficking was the focus of attention of the Ombudsman from the beginning of her work.

Actions in the following directions were taken in order to struggle against trafficking: improvement of legislation, legal enlightening campaigns, addressing of proposals to relevant state bodies with the purpose of preparing preventive actions, actions on protection of trafficking victims, and support in their integration into society.

Actions taken in direction of improvement of legislation include enlisting of provision on trafficking into the Criminal Law, proposals on preparing of legislative acts on the rights of women, gender equality, and elimination of violence in the family.

The Ombudsman proposed to adopt a program on the struggle against trafficking, gave recommendations in this connection, and was confident that as a result of adoption and implementation of this program, prophylactic actions taken in order to prevent violence against women can pave the way for much effective realization of these rights.

By the way, “Republican Complex Program on combating daily violence in a democratic society” was approved and directed to execution.

Round tables and seminars are repeatedly organized with the participation of representatives of state bodies and civil society in order to discuss ways of solution of trafficking problems in the initiative of the Commissioner.

The Ombudsman proposed to organize range of trainings, courses aimed at training of professionals for asylums for trafficking victims.

At the same time, it was recommended to organize broad enlightening events, involving risk groups on combating trafficking and establish public monitoring group consisted of representatives of related state bodies and NGOs.

The Commissioner made number of proposals on establishing of crisis centers for women and children subjected to violence, asylums for juveniles set free from prisons, aid centers for children deprived from parental care.

The Ombudsman regularly held monitoring at the asylums established for the victims of trafficking; learned the situation, met with women living placed investigated their conditions and problems.

The Commissioner also held discussions on provision of rights of those women with the administration of the center, gave concerning instructions on improvement of the condition there.

The serious work was carried out at the Child Rights Unit established at the Ombudsman Office with support of the UNICEF, as well as in the sphere of investigating of violence against children and their prevention.

Commissioner proposed to organize “Child rights month” in the country from 20 October – 20 November every year under the motto of “Let’s listen to the children and ensure their participation” which is one of the 10 steps of UN campaign of “Say YES for children”. In this regard the Ombudsman office, its regional centers and other relevant state bodies organized seminars and round tables on child rights, early marriages, eliminating violence against child,

reproductive health and healthy life style and conducted painting and composition contests in public and high schools, orphanages and boarding schools.

For different reasons children may need to be sheltered in the lodging houses for infants, orphanages, different type boarding-schools and temporary detention places in the police departments. But in some cases the child may be undergone of violence by the workers of such places. In order to prevent discrimination and violence against children the Commissioner conducted regular monitoring and on-the-spot investigation upon received complaints in such places and took necessary measures in respect of punishing responsible persons. The measures taken to punish responsible persons caused to decrease in the amount of cases of violence against child.

The existence of the cases of not allowing girl child to attend high classes in the schools by their own parents and forcing them into a marriage at their early ages cause trouble as well. In the case of early marriage the girl can not maintain her education, her health is harmed, she can not ensure her own economic independence and in most cases her own and her kids' rights are violated. With purpose of eliminating early marriages Commissioner recommended relevant bodies to conduct educative activities such as broadcasting short social videos on TV channels and when faced such cases by police and prosecutor organs to hold those people responsible for the act of getting into a marriage with underage girl according to the article of 152 of the Criminal Code.

In its recommendation to Azerbaijani Government the UN Committee on the Rights of the Child indicated the corporal punishment of children while educating them as a problem and emphasized the importance of adoption of the law prohibiting it. In order to combat violence against children Ombudsman Institution prepared draft law on "Protection children from corporal punishment" and submitted to the Parliament (Milli Mejlis). With the aim of raising public awareness in the society posters were prepared with support of UNICEF that promoted unacceptance of corporal punishment and were disseminated.

Besides Commissioner submitted recommendations on ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and at the same time adoption of Law on "Domestic violence" which was approved by the Parliament.

The problems of the children who live in orphanages and boarding schools have always been at the center of attention and with purpose of getting them returned to the families, the state Program (for 2006-2015) on Deinstitutionalization and alternative care that ensures moving these children from state institutions of the Republic of Azerbaijan to the families, were approved.

With technical support of the Ministry of Information and Technologies it was created hotline service with phone number of 916 that functions 24 hours at the Ombudsman Office. It aims at receiving applications addressed to the Commissioner, without delay, from the parents or children themselves upon violation of their rights. The information about this service was disseminated via relevant state bodies, local executive powers and mass media and the written announcements were hanged from the walls of all education and health institutions as well as

police departments. Establishment of hotline service ensures effective protection of child rights without delay. Upon received calls there were taken immediate measures in this regard and conducted on-the-spot investigation if necessary.

The Azerbaijani Ombudsman also made proposals on preparation of legal editions on human trafficking jointly with the OSCE, organization of joint training-seminars, and determination of victims of human trafficking and conducting of surveys to help them.

I would like to inform You that the Article 18 of the National Action Plan on Protection of Human Rights was affirmed by the Presidential Decree from December 28, 2006 envisages before the concerning state bodies the task of full fulfillment and following of the provisions and demands of the Pact on Civil and Political Rights, Pact on Economical, Social and Cultural Rights, UN Conventions on the Rights of the Child and the Elimination of All Forms of Discrimination against Women, as well as UN Convention against Transnational Organized Crime and Protocol to Prevent, suppress and punish trafficking in persons, especially women and children, supplementing the UN mentioned Convention to which Azerbaijan is a party.

During the last period related event were conducted on the realization of this Article, special attention was paid to learning of international experience.

The staff members of the Ombudsman Office, as well as me as advisor on struggle against trafficking took participation at several international and regional events, including OSCE Annual Meetings on Human Dimension.

I think that for more success of the activity in struggle against trafficking there is a need to joint partnership of structures dealing in this field.

Thanks For Your attention!