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**SUPPLEMENTARY HUMAN DIMENSION MEETING ON NATIONAL
HUMAN RIGHTS INSTITUTIONS (OMBUDSINSTITUTIONS,
COMMISSIONS, INSTITUTES AND OTHER MECHANISMS)
(April 14-15, 2011, Vienna)**

**STATEMENT
OF THE COMMISSIONER FOR HUMAN RIGHTS OF
THE REPUBLIC OF AZERBAIJAN**

**National Human Rights Institutions – their role in promoting and protecting
human rights
Session I**

The Commissioner of the Republic of Azerbaijan has a significant role in promotion and protection of the human rights as “A” status National Human Rights Institution.

We receive individual and collective complaints, immediately conduct investigation, and take urgent measures addressing the appropriate state bodies for solution of the raised problems. The examination and subsequent investigation of complaints help the Institute to learn main concerns of people and submit necessary recommendations on their resolving.

These recommendations cover the problems of improving of the national legislation on human rights promotion and protection in compliance with the international conventions to which the country is a party and resolutions.

Here are, in my mind, some positive practices in our activities:

- Strengthening of the legislative basis of human rights is being continued. Some proposals of the Institute to the country parliament were resulted in signing and ratification of the international conventions, like Convention against discrimination in education, Convention on child sexual exploitation and abuse, about fostering the Convention on disability. Now we are working on study and recommendation for approving of the newly adopted Convention on violence against women, as well as of

the draft law against corporal punishment of children and other. Totally in the period of independence Azerbaijan ratified over 230 international conventions and most of them are closely linked with human rights protection.

- The process of improving of the institutionalization serving better protection and promotion of human rights is being continued. The State Committee on Family, Women and Children issues, Special Department to Fight against Trafficking in Persons at the Ministry of internal Affairs; Department against Corruption at the General Prosecutor's Office, establishment human rights departments at practically all ministries and state committees is continued and those stakeholders are close partners of the NHRI in ensuring human rights.
- Ongoing practical legal reforms in improving of the conditions, situation and treatment of the persons under the threat of alleged torture or inhuman degrading treatment in the penitentiaries, police stations TDPs, social boarding houses for lonely aged or disabled persons, in psychiatric clinics, orphanages resulted in working out the recommendations on improving the situation in compliance with the European minimal standards.
- Establishing of the Public Observation watch groups on treatment of prisoners and mentally diseased persons, that include the representatives of the civil society, NGOs, independent experts, one of which is functioning regularly and successfully at the Ministry of Justice for the penitentiaries and investigation stations. We proposed to organize public observation at the military units for prevention of violations and protection of human rights of military servants. It is a priority for us due to over 20 years of Armenian aggression with occupation of 20% of country territory, 1 mln. of refugees and IDPs that do need the restoration of gross violations of their rights and return to the liberated native lands.
- The measures taken to fight the impunity of perpetrators of violence, to bring so called "culture" of punishment even of high rank officers in all branches of governance, in law-enforcement state organs – police, prosecutor, courts, executive power and other offices. Special attention is paid to strengthening transparency at all levels of governance, fighting against corruption, serving the best interests of people, hearing and prompt resolving of complaints of citizens, that would be an effective measure for improving good governance, rule of law, prevention of violation of human rights.

National Human Rights Institution in Azerbaijan was obliged with new functions as a National Preventive Mechanism against torture in compliance with Optional Protocol to the Convention Against Torture (OPCAT), as well as the functions of mechanism for ensuring the Law on the Constitutional Rights of Citizens on Access to Information. Nearby the preventive functions the corresponding amendments to the Constitutional Law on Commissioner for Human Rights of the Republic of Azerbaijan (Ombudsman) these functions extend the mandate of the Institute, its powers, competences for more effective promotion and protection of human rights. And this solution serves also to strengthening of the role and independence of the NHRI.

The Commissioner sends motions to the country President on granting pardons, and to the Parliament on amnesty acts. Following these motions 326 imprisoned persons were pardoned.

The new mechanisms and tools are implemented by the NHRI in Azerbaijan.

Special attention is paid to the new initiatives in ensuring of the participation, inclusiveness of as much as possible people, covering the most sensitive, disadvantaged groups of population (women, children, aged persons, refugees and IDPs, national, ethnic and

religious minorities, detained persons, people with disabilities, including mental disabilities, etc.).

To reach these aims by the means of human rights, legal education of people through advertising of the international conventions, national legislation related their rights, teaching them their rights, as well as the international and national mechanisms to which they can urge for their human rights ensuring or restoration, when those are violated.

To do it more effectively a numerous formal or informal meetings with the interactive participation of these people were organized. Special training and teaching modules were worked out and addressed to the each group of population covering as much as possible people on the spot, all over the country.

The public hearings were organized in each of 58 cities and rural districts, refugee and IDP camps and settlements, in the penitentiaries and military units. The outcomes of these interactive discussions and proposals raised were used in preparation of the National Action Plan (NAP) on Human Rights that was approved by the country President, as well as different state programs.

NHRI is doing regular independent monitoring, evaluation, reporting on the status of the NAP implementation by the 31 state executive bodies and the civil society organizations. Annually the results are summarized in a special book that is used as an effective tool for sharing of experience between the counterparts all over the country.

The Commissioner also takes measures on protection of the rights of people suffered from emergency situations – armed conflict, natural and manmade disasters. In 2010 ensuring the rights of people suffered as a result of river flood was among the priorities of the Commissioner's activities in cooperation with other state agencies, NGOs and local communities.

The Council of Independent Experts that consists mainly of the NGO representatives, the Resource Centres of Ombudsman on protection of child rights and aged persons rights providing human rights education events under the UNESCO program "Education for All for the years 2005-2014" are functioning regularly at the institution. It allows to attract additional human resources on the voluntary basis to train them to work permanently among the corresponding communities.

The hierarchic system of child rights education with participation of children themselves as trainers is being realized on the regular basis at the secondary schools of the country and it is a good sample of peer to peer education.

Regional offices of the Ombudsman, as well as the newly created Network of legal University clinics also serve as additional resources.

As a new initiative the set of the specialized advisors of Ombudsman on different directions of human rights protection (civil, political, also economic, social, cultural rights, on trafficking in persons, on corruption), as well as separately for each group of population are created and functioning regularly at the Ombudsman institute.

Specialized reports on child rights, Complimentary Reports to the treaty bodies on Child Rights Convention, as well as on UPR mechanisms are being prepared by the Institute and sent to the corresponding organizations. The new report on the persons with disabilities is being prepared now.

The National Human Rights Day – June 18 is approved in the country and it also serves as a good resource for promotion and protection of human rights. It begins with month long campaign on human rights all over the country, the results of monitorings are summarized and shared between the stakeholders. These events are concluded by the Annual International Conference with participation of the Ombudspersons and NHRIs from different countries that are coming together to discuss the emerging issues supported by UNESCO and other international organizations. Last year the topic was "Climate changes

from the human rights perspectives”. This year’s event will be devoted to the “Cultural rights of the national, ethnic minorities and migrants”. Baku Declarations adopted at these events are distributed and taken into consideration in the work of the participating organizations.

All the activities of the NHRI are highlighted regularly by the means of mass media.

It is high time to underline the crucial role of the international partners, especially Council of Europe, OSCE and ODIHR, UN Office of High Commissioner for Human Rights, UNDP, UNICEF, UNFPA and others in improving of the activities, and capacity building of our NHRI, as well as participation at the EU and Council of Europe programs and networks. We are partners of the German Institute for Human Rights in Twinning programme, as well as of the Polish Ombudsman Institute in Eastern Partnership.

So, due to lack of time, I just shared some with you of our NHRI initiatives. And using this chance I shall present to your attention shortly some samples and outcomes of our collaboration with OSCE/ODIHR, that were resulted in creating of the NPM; expertise and improving of the legislation; organizing of trainings and conferences with participation of parliamentarians, governmental bodies and NGOs; translating from English into Azeri language of manuals and textbooks, laws and regulations, as well as translating into English the NPM reports and printing as books; organizing of rapid action groups for observing the cases of alleged violence with two hotlines against torture and against child rights violation that are hanged up in each police station’s TDP all over the country.

What we do need now for more effective functioning:

- additional financial and human resources;
- structural changes in the institution;
- more trainings for staff on different priority topics;
- unified indicators, specific monitoring techniques for evaluation of our activities and services, measurable and unmeasurable successes and comparative analysis of our activities, as well as to find out challenges and shortcomings and the ways of their elimination.

Solving of these problems would be great source for further practical recommendations how to improve and enhance the effectiveness of promotion and protection of human rights.

And we hope that OSCE/ODIHR, CoE, UNOHCHR and other international organizations will continue the assistance to the NHRI in capacity building and improving of their activities through sharing the experience in the name of more effective promotion and protection of human rights.