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

Mr. Moderator
Ladies and Gentlemen,

Among the made reforms in ensuring of human rights by the Republic of Azerbaijan the most important one and mentionable event was an establishment of the Institute of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan.

Today with sense of proud it should be noted that the Commissioner and the Institute that function on the basis of human principles such as clarity, transparency, rule of law, justice and impartiality are also using opportunities for protection of human rights and main freedoms accordingly as determined in the Universal Declaration of Human Rights, international legal norms that Azerbaijan is party to, the Constitution of the Republic of Azerbaijan and other national laws.

Already 9 years, the Ombudsman Office enjoys a reputation among other legal protection mechanisms either within the country or at international level as an independent and impartial body.

During its activity, it was prepared eight annual reports on situation of ensuring of human rights and main freedoms in the country which has been presented to the President of the Republic and to other subjects in accordance with the Law of Constitution and subsequently, the Commissioner reported before the Parliament concerned.

The Commissioner held several events concerning solution of problems with different background during her activity. So, after the analysis of complaints addressed to the Ombudsman in order to achieve effective solution of all discovered problems rational cooperation with the relevant public authorities was established.

Problems of thousands from various strata of population, including refugees, IDPs, the elderly, the persons with disabilities, women, children, the detainees, civil servants and etc. with regard to employment, determining and issuing of targeted

social allowance, execution of the court judgments, giving IDs, pensions, determination of alimonies, land issues and property issues have been solved with interference of the Commissioner.

Paying more attention to ensuring of the rights of detainees last year and according to the Constitutional Law on the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan as well as multiply requests by the detainees and their families, in different times, the Ombudsman applied to the Commission on Pardoning Issues at the President of the Republic of Azerbaijan and solicited for pardoning. In general, on the ground of Ombudsman's requests, 339 detainees were released until up to date.

One of the main directions of the activity of Ombudsman is scientific-analytical work. The Commissioner regularly makes proposals on improvement of the national legislation to the Parliament. The Ombudsman also made a proposal to the Parliament (*Milli Mjlis*) conventions, for instance, UNESCO Convention of Elimination of discrimination in Education, Protocols 12 and 14 to the European Convention on Human Rights, Convention on Rights of Persons with Disabilities and its additional Protocol thereto, the OPCAT that implies the establishment of the national mechanism. Consequently, the abovementioned international legal norms have been ratified but Protocol 12 was signed.

Furthermore, The Commissioner's suggestion about ratification of UN CRPD and its OP by our state was welcomed and; therefore, the Convention and its OP were ratified according to the Law of the Republic of Azerbaijan dated 2 October 2008 but came into force on 28 January 2009.

One of the directions of the broad activity of the Ombudsman is advocating human rights and main freedoms as well as awareness raising activities. Since the establishment of the Office awareness raising activities have been conducted.

For the purpose of awareness raising, seminar-trainings, conferences on were widely conducted, for instance, seminar –trainings and regional conferences on human rights, fight against human trafficking, corruption, drug addiction, AIDS, as well as rights of consumers, ecological rights, intellectual and copy rights, family and other rights with participation of the relevant public authorities, civil society and mass media.

Another direction of the activity of the Ombudsman is ensuring of child rights and organization of awareness raising works concerned. The first specialized report on child rights of the Ombudsman was prepared and several proposals as well as recommendations with regard to improvement of the situation of children have been presented to the Parliament, Cabinet of Ministries, relevant ministries, committees and other responsible authorities. Moreover, the Commissioner presented the complementary report to the state report to the UN Child Rights Committee. Monthly campaigns and awareness raising activities were regularly conducted.

“Peer to Peer” project of hierarchic education of child rights that has been implemented for three years was realized in one school of each 11 districts of Baku in 2011.

In the beginning of the year Child Rights Centers were opened in secondary schools No. 5, 31 and 207 chosen as pilot schools in the project with participation of the Commissioner. Today, sustainable child rights education is being conducted by children themselves in these centers.

Presently, in order to implement the project, one secondary school in particular eight regions of the country were chosen, and since September the implementation of the project has been planned and made pre-preparatory works in those schools concerned.

The Commissioner sent her suggestions and proposals concerning implementation of the CoE Campaign on Ending of Sexual Violence at the national level to the Council of Europe. In the framework of this campaign, the Commissioner sounded her proposals during discussions on “Fight against Violence against Children” held in the Parliament. Participation of children in those discussions was provided.

Along with, the Ombudsman made a suggestion of acceleration of ratification of the “CoE Convention on Protection of Children from the Sexual Exploitation and Abasement”. As a logical consequence of the reforms for effective ensuring of human rights and main freedoms, the NAP on Human Rights Protection in the Azerbaijan Republic was approved in accordance with the Order of the President of the Republic of Azerbaijan dated 28 December 2006. For advocating of the NAP in the rural areas among the population as a best practice the public hearings held last year in various regions of the country played a significant role.

Within last years, public hearings covering various all regions of the country have been conducted. Local executive offices, judges of courts and heads of legal-protection bodies, municipalities, local NGOs, mass media, members of communities and national minorities as well as chairmen of the District Electoral Committees participated in those events.

The practice of holding public hearings for monitoring of the NAP campaign as well as implementation was successful and positively impacted to the awareness raising of population.

Already four years the Republic celebrates the Day of Human Rights as a holiday. This is very significant not only for us but also for all human rights defenders. The establishment of this day as a holiday by the President’s Order and its celebration at the national level proves that Azerbaijan gives an important place to human rights in its policy. For wide celebration of the Human rights day, the Ombudsman declared celebration of “Human Rights Month” throughout the country on 18 May -18 June 2011 and made requests to all public authorities and civil society concerned.

I would like to note that, public authorities and civil society actively joined to this challenge made by the Ombudsman and events in the framework of the abovementioned month have been conducted in all regions of the country.

Furthermore, the Ombudsman during her activity built close cooperation with the international organizations, including the UNDP, UNICEF, OSCE, CoE, EU, IOI and Asia Ombudsmen Association, embassies accredited to Azerbaijan and international colleagues.

At the same time, the Commissioner met with the UN Special Rapporteurs in various fields in different times and discussed the future perspectives. In addition, she actively participated in preparation of reports to the UN HRTBs, including implementation of the recommendation and suggestions made by those bodies to Azerbaijan.

It is needed to mention the importance of the UPR mechanism for ensuring of human rights as well. It is obvious that, while joining to the UN, our country has taken several obligations which one of them was the UPR. This mechanism reflects the whole situation of human rights in the country under the report. Therefore, the Commissioner actively joined to this process and conducted awareness raising activities with participation of public authorities and NGOs.

It is remarkable that, as the only state, the activity of the Azerbaijani Ombudsman in relation to the UPR was estimated as the “best practice” at the page 74 of the book “Elimination of Torture: Guidelines for the National Human Rights Institutions” published by the OHCHR. The Ombudsman Office is currently preparing the mid-term report jointly with the Ministry of Foreign Affairs and the primary discussions concerned have been already held.

Alike, the Ombudsman Office actively participates in the preparation of the Action Plan between the EU and Azerbaijan in the framework of the ENP and is successfully continuing to implement this document.

In the context of cooperation with the EU, the Ombudsman Office actively participates in Eastern Partnership as well as Twinning projects. In addition to this, the Office uses the EU TAIEX program and it is planned to conduct training-seminars on “Advancing Capacities of the Ombudsman Regional Offices” at the end of October of this year. I have to inform that our partner for Eastern Partnership is the Ombudsman Institute of Poland but for Twinning is the German Human Rights Institution.

The Twinning project on “Advancing Capacities of the Ombudsman Office and Awareness raising in Discrimination” which was conducted by the Institute of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan jointly with the German Human Rights Institution contained three main components.

The first component was preparation the Regulations and Working Rules for the NPM group to support the activity of the Commissioner as a NPM for fight against torture; the second was advancing of capacities of the Ombudsman Office, especially which the organization training in two different groups for the effective protection of child rights was considered.

During past six months, training-seminars on various topics were held by the experts of the German Human Rights Institution in the Ombudsman Office and that the Ombudsman staff, NGOs, students and secondary schools' students also participated in these events.

Generally I would like to mention that the Twinning Light Project implemented for the first time in the South Caucasus region, in Azerbaijan, has been successfully realized, the exchange of experience was carried out. This should be noted as well that this project was successful for improvement of work of not only the Institute of Ombudsman of Azerbaijan, but also the National Human Rights Institute of Germany.

During this period, the exchange of experience was carried out with the Ombudspersons of different foreign countries, recommendations on bettering of the activities were put forward, and certain work was undertaken regarding protection of rights of the Azerbaijanis living in those countries.

Nine important international conferences of Ombudsmen were organized in Baku with the purpose of further improvement of experience gained in protection and promotion of human rights and freedoms, as well as, developing of the cooperation with different international organizations in this direction.

The ninth International Baku Conference of the Ombudsmen titled "Cultural Rights of national minorities and migrants: legal aspects and implementation" and dedicated to the 20th anniversary of the Independence, to the 45th anniversary of adoption of the International Covenant of Social and Cultural Rights and International Covenant of Civil and Political Rights, as well as to June 18 – Human Rights Day in Azerbaijan, was conducted with the support of the UNESCO. At the end of the Conference the Baku Declaration was adopted.

This should be noted that on December 21, 2010, and June 24, 2011, as a result of voting at the Milli Mejlis, the Constitutional Law on Amendments to the Constitutional Law on the Commissioner fir Human Rights (Ombudsman) of the Republic of Azerbaijan was adopted and on August 8, 2011, the Decree of the President of the Republic of Azerbaijan on implementation of that Constitutional Law was signed.

As a result of the mentioned amendments, the mandate of the Commissioner for the NPM according to the OPCAT was regulated as well as to implement the control over the execution of the duties by the officials, self-government institutions, and public authorities implied in the Law of the Azerbaijan Republic on "Access to Information" was given.

In addition to this, I would like to mention that last year the representative of the UNICEF in Azerbaijan, the Ministry of Foreign Affairs, and the Ministry of the Labor and Social Protection of Population, including the Union of the Organizations of the Persons with Disabilities, united 25 NGOs in itself made a proposal to give implementation of independent monitoring mechanism functions as stated in the Article 33.2 of the Convention on Rights of Persons with Disabilities, to the Ombudsman Office as a responsible institution by the Decision of the Azerbaijani Government dated on 14 may 2011 which was provided.

Furthermore, the UN Child Rights Committee recommended to Azerbaijan to establish an independent structural department in the Ombudsman Office for the monitoring of the child rights. All these facts not only extend the mandate of the Commissioner but also increase the responsibility.

Presently, with regard to issuing financial resources for the organization of Ombudsman's activity in the abovementioned fields the relevant proposals have been presented to the Government.

We do believe that as a result of our cooperation with public authorities and civil society these new functions will be successfully implemented.

Thanks for your attention!