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**FOLLOW-UP AND IMPLEMENTATION OF THE VIENNA DECLARATION
AND PROGRAMME OF ACTION**

**Written statement submitted by the Office of the Commissioner for Human Rights
(Ombudsman) of the Republic of Azerbaijan¹**

Note by the Secretariat

The Secretariat of the Human Rights Council has received the following communication², which is reproduced below in accordance with Human Rights Council resolution 5/1, Rule 7(b), which states that “Participation of national human rights institutions shall be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005”.

¹ The submitting National Human Rights Institution has “A status” accreditation by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

² Reproduced in the annex as received, in the language of submission only.

ANNEX

National Human Rights Institution in Azerbaijan for the promotion and protection of human rights

On 27 October 2006 Office of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan has been awarded status “A” by the International Coordinating Committee (ICC) for National Human Rights Institutions. This event marks a step forward in promotion and protection of human rights and freedoms in Azerbaijan.

Since its establishment in 2002 by the Constitutional Law of 28 December 2001 “On the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan” the Ombudsman Office has been realising its duties of restoration of human rights and liberties violated by the governmental bodies, municipalities and officials of the Republic of Azerbaijan. In her activities the Commissioner has been closely co-operating with the governmental bodies, international organisations, NGOs, representatives of the civil society and mass media.

The distinguishing feature of the Commissioner’s work during the first approximately six years of activity of the Office was its focus on protection and promotion of human rights for all strata of population. The Ombudsman paid close attention to the problems of protection of human rights of women and children, the elderly, persons with disabilities, refugees and internally displaced persons (IDPs), detainees and prison inmates, military servicemen, consumers, etc.

Several events were organised in co-operation with the Ministry of Education and the UN Children’s Fund (UNICEF) in the field of child rights protection. Thus, in 2007 the Commissioner held meetings and discussed future collaboration with the UNICEF Regional Director for Central and Eastern Europe and CIS Ms. Maria Calivis, UNICEF’s special representative on gender issues Ms. Janet Nelson and Representative Mr. Morten Giersing. Within the framework of the joint project with the UNICEF Baku office the Commissioner’s

Office held trainings in regions of the country attended by representatives of the relevant state bodies, juvenile commissions of the local authorities, NGOs and teachers. On 13-20 November 2007 Office in collaboration with the UNICEF and the Ministry of Education held child rights week under the motto of “Care for every child”. The aim of this week was to attract public attention and find solution oriented responses to the problems of child rights protection, education, health- and social care, impermissible forms of child labour, HIV/AIDS and drug abuse, children affected by war, those in need of special care, deprived of parental care or adopted by either biological or foster families unfit to take care of the child, children subjected to violence and sexual exploitation, etc.

In the field of rational solution of problems of refugees and IDPs the Commissioner has been closely co-operating with the UN Refugee Agency (UNHCR). She has also discussed the issues of promotion of human rights, state of refugees and IDPs, their living conditions, etc. with the Commissioner for Human Rights of the Council of Europe Mr. Thomas Hammarberg during his official visit to Azerbaijan in September 2007. On these matters the Ombudsman made proposals to the State Committee on Protection of Refugees and IDPs, regional executive authorities and the employers to involve refugees and IDPs into labour activities, as well as to draft and fulfill an action plan by relevant public authorities in order to encourage them to participate in small size entrepreneurship and income generation entities.

In her activities the Commissioner paid special attention to the protection of rights and freedoms of the most vulnerable people – women, children, older persons, persons with disabilities, families with low income, and those living below the poverty line.

Taking into account different aspects of human rights concern in the country the Commissioner prepared special reports on “Protection of the rights of refugees and internally displaced persons”, “Protection of the rights of the convicted persons”, “Protection of the rights of military servants”, “Protection of the rights of children”.

ICC's granting of "status A" to the Ombudsman Office on 27 October 2006 is a great stimulus for improvement of the performance of the Office, as well as further development of the Office's international relations and co-operation with the UN and its agencies. It also provides Ombudsman Office with jurisdiction to participate independently in the official sessions of the UN Human Rights Council in the observing status, as well as to make oral interventions. This status also allows the Ombudsman Office to work closely with the ICC and facilitate development of new tools and mechanisms for strengthening of promotion and protection of human rights.

As a "status A" National Human Rights Institution the Office of the Commissioner for Human Rights of the Republic of Azerbaijan works closely with the governmental bodies and actively participates and assists in preparation of the reports to the monitoring bodies of the international standard setting treaties, to which Azerbaijan is a party. It is also the responsibility of the Ombudsman Office to encourage the state bodies to implement the concluding observations and recommendations of these treaty bodies.

It is noteworthy that as a part of its activities the Commissioner's Office summarises the complaints received, conducts detailed analysis of these complaints and defines the areas of human rights concern that need special attention and promotion. Taking into consideration the issues covered by the complaints the Commissioner prepared and submitted several proposals on updating of the national legislation to the Milli Majlis (Parliament) of the Republic of Azerbaijan. In pursuance of its responsibilities as a "status A" National Human Rights Institution the Ombudsman Office has encouraged adoption and ratification of several international treaties and protocols by the government of Azerbaijan.

Thus, as a follow-up to the legal reforms that took place in the country in the field of human rights protection the Commissioner prepared and submitted a proposal urging the government to speed up pending ratification of Protocol 12 to the European Convention on Human Rights (ECHR), which was signed by the Republic of Azerbaijan on 12 November 2003.

The Commissioner has also urged the government to ratify Protocol 14 to the ECHR amending the control system of the Convention. It is noteworthy that after the Ombudsman's address this Protocol was ratified by the Republic of Azerbaijan on 4 April 2006. Ratification of this Protocol is a one step further in realisation of the obligations undertaken by Azerbaijan before the Council of Europe, and it is an indicator of compliance with the principle of fulfilment of international obligations in good faith.

The Commissioner has made an appeal to the Milli Majlis (Parliament) of the Republic encouraging the government to ratify the UN Convention against Discrimination in Education of 14 December 1960. This proposal was very successful and the Azerbaijani Parliament ratified the aforementioned Convention.

In order to strengthen promotion and protection of human rights without any discrimination to the persons with disabilities the Commissioner put forward a proposal to sign and ratify the Convention of Human Rights of Persons with Disabilities adopted by the UN General Assembly on 13 December 2006 and open for signature of state parties on 30 March 2007. The Commissioner's proposal was accepted by the Parliament, and Azerbaijan joined the Convention on 9 January 2008.

Another important action on the Commissioner's behalf was submission of a proposal for speeding up of ratification of the Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment for creation of the corresponding national preventive mechanism.

One of the most significant achievements of the Ombudsman Office was successful lobbying of adoption of the new National Action Plan for human rights protection. It is noteworthy that adoption of the national action plans by states was deemed important and recommended by the Platform of Action of the Vienna World Conference of 1993. Considering guaranteeing of human rights and freedoms as a nation-wide task in the country, bearing in mind the priorities set

by the UN Millennium Development Goals and the Third Summit of the Council of Europe in the field of human rights protection, democracy, and rule of law, as well as recognising the necessity to continue legal reformation in the country and to expand the activities in this sphere the government of the Republic of Azerbaijan by the Presidential Decree of 28 December 2006 adopted the National Action Plan (NAP) on Protection of Human Rights in the Republic of Azerbaijan. The majority of the recommendations and proposals forwarded by the Commissioner were included into this Action Plan.

In order to ensure efficient implementation of the National Action Plan a Working Group was established by a special decree. It has been decided that the Office of the Commissioner for Human Rights of the Republic of Azerbaijan would run this Working Group and take the lead in independent monitoring and evaluation of compliance of the state bodies with the NAP, as well as coordination of joint efforts for implementation of this document.

The Working Group and its five sub-groups (corresponding to five areas of focus established by the NAP) have already conducted public hearings in nine regions covering all rural districts of the country. The aims of these hearings were to discuss the essence of the NAP, its objects and purposes, the main directions of activities as well as perspectives of collaboration and consolidation of all stakeholders for implementation of the Plan. The regional public hearings involved active participation of the members of the Working Group, members of parliament elected from the corresponding regions, representatives of local executive bodies, courts and law enforcement agencies, municipalities and representatives of the local minority communities, NGOs and mass media. The public hearings were fruitful and their participants came up with several suggestions and proposals for efficient implementation of the NAP.

In order to improve the overall performance of the Institute the Commissioner in collaboration with the UN High Commissioner for Human Rights (UNHCHR) conducted capacity building seminars for the Ombudsman's Ganja, Shaki, Lankaran and Guba regional offices in October-December 2007. The seminars were attended by the Regional Representative of the UNHCHR for South Caucasus Mr. Vladlen Stefanov, country representatives of the

UNHCHR in Azerbaijan and Georgia, as well as independent experts in public international law. These seminars were aimed at raising awareness on National Human Rights Institutions and their collaboration with the UN specialised agencies, as well as at providing the staff of the regional offices of the Ombudsman Institute with deeper knowledge and better understanding of international and national standard setting documents, etc. The participants of the seminar also paid special attention to the activities of the Ombudsman Office undertaken in relation to implementation of the NAP on Protection of Human Rights in the Republic of Azerbaijan.

The Commissioner considers newly adopted NAP a huge step forward for promotion and protection of human rights and civic liberties in the Republic of Azerbaijan. The NAP represents a clearly defined strategy focused on strengthening of human rights protection in the country with both short- and long-term objectives. Ombudsman highly appreciates the co-operation and assistance of the all the actors involved in implementation of the Plan, and believes that such collaboration is the key for ensuring efficient promotion and protection of human rights. The joint work will involve participation of various actors in the country including governmental bodies, international intergovernmental organisations, local self governance authorities, local and international NGOs as well as representatives of the civil society. The Commissioner believes that the new NAP will serve for development of new mechanisms and tools of human rights protection and strengthening of the human rights strategy and respective reformation in the country.
