



THE INSTITUTE OF THE COMMISSIONER FOR HUMAN RIGHTS OF
THE REPUBLIC OF AZERBAIJAN

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Identifying people's concerns from the daily flow of complaints and contribute
to systemic improvements

Distinguished chairman!
Ladies and gentlemen!

I cordially greet the participants in the 12th Asian Ombudsman Association (AOA) Conference, I would like to express my gratitude to conference organizers and wish success.

I would be pleased to begin my speech with short historical overview.

Azerbaijan is one of the new independent countries that regained sovereignty second time in its history in 1991, after the collapse of the Soviet Union.

Great changes have been taken place in Azerbaijan over the last years of the transition period that are happening faster in Azerbaijan in comparison with other former Soviet republics despite the fact of 20 years Armenian aggression that was resulted in occupation of 20% of the territory damaged the economy of Azerbaijan. This occupation is still being continued and as a result of it over 1 million people became refugees or internally displaced persons.

Despite of the UN resolutions that demand the unconditional withdrawal Armenian military forces from those occupied lands, Armenia has not taken any steps in this regards and continues its occupation and violation of human rights in these territories.

Though all of these difficulties Azerbaijan is taking great steps in developing the democratic principles and values. During the short period of time significant reforms have been realized

in the fields of economic and social development, improving legislation, institutionalization for better promotion and protection of Human Rights and Liberties.

After the collapse of the Soviet Union to which we were a party over 70 years rapid development started in Azerbaijan Republic. During 20 years of the independence as a result of the implementation comprehensive socio-economic and legal reforms aimed at improvement of the population's welfare, significant progress was achieved also in the sphere of the protection of human rights and freedoms of all groups of population. This achievement led to the decrease of the poverty rate from 46% to 9,1% during short period of time.

It should be noted that complying with the last UN Human Development Report, in comparison with 2005 the Republic of Azerbaijan has advanced by 34 steps and shifted from the rank 101 to 67.

According to the average annual rate of the human development index, during 10 years Azerbaijan is a leading country among post-soviet states. The Republic moved from the group of "medium human development" to the category of "high human development" countries.

Great changes including legal reforms have been conducted in Azerbaijan in the field of human rights provision. Despite that we have risk groups among the population, including refugees, IDPs, persons with disabilities, the elderly people, people in emergencies such as natural and manmade disasters, war, poor families, detainee persons, victims of trafficking and violence, including domestic violence, drug abused and people infected with HIV/AIDS.

The establishment of the Ombudsman Institute in the country has been most significant reform. Next year Azerbaijan Ombudsman Institute will celebrate its 10th Anniversary. The Institute of the Commissioner for Human Rights of the Republic of Azerbaijan was established in accordance with the Paris Principles. Due to compliance with the Paris Principles, the Institute of the Commissioner was accredited with A status by the International Coordinating Committee of National Institutions for Promotion and Protection of Human Rights (ICC).

By ensuring the protection of human rights without restricting or substituting the responsibilities of other state bodies, supplementing existing remedies of human rights protection, and providing independent, unbiased non-discriminative non-judicial protection of human rights guiding with Rule of Law for more than nine years, the Commissioner also built her activities on the basis of principles of independence, publicity, transparency, legality, justice and impartiality, widely used the mediation capacities, and could reach the restoration of human rights in the majority of cases, consequently contributed to protection of the rights of each applicant.

According to the Constitutional Law the Ombudsman each year submits the Annual Report on Protections and Promotions of Human Rights in the country to and speaks with that report before the Milli Mejlis (Parliament) of the Republic of Azerbaijan. The aim of the report is to evaluate the situation of ensuring human and civil rights and freedoms, to analyze the situation of important problems on human rights, as well as to provide the information on activities and events conducted by the Commissioner for the restoration of violated human rights, protection of human rights and prevention of their violation, as well as learning the situation of ensuring human and civil rights and freedoms.

The Ombudsman's mandate was broadened in respect of National Preventive Mechanism (NPM) and Access to Information. In compliance with the Constitutional Law adopted and later on amended by the voting of the Milli Majlis (Parliament) and signed by the President of the Republic of Azerbaijan on 8 August 2011, the provision regarding the prevention of human rights violations was added to the Article 1.1 empowering the Commissioner to control whether governmental or municipal bodies and officials possessing information observe the Law of the Republic of Azerbaijan "On Access to Information" was added to the Constitutional Law of the Republic of Azerbaijan "On the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan" (hereinafter Constitutional Law)..This led to the increase of effectiveness of the work on human rights protection as well as to provision of independence to the Commissioner what enhanced her mandate and responsibilities.

National Action Plan (NAP) on Protection of Human Rights was approved by the Decree of the President of the Republic of Azerbaijan from December 28, 2006 considering the proposal of the Commissioner. The plan that has the significance from the perspective of human rights development and provision envisages the improvement of normative-legal base, cooperation with international human rights organizations strengthening protection of the rights of different groups of population, improvement of the work of state bodies from the perspective of human rights provision, education, awareness-raising events, scientific-analytical research cooperation actions. Commissioner organized Public Hearings in 58 cities and rayons of the country with the aim to monitor the implementation and promotion of measures provided in the NAP.

The public hearings were attended by the representatives of local branches of central government structures, local executive bodies, courts, prosecutors' offices, law enforcement agencies, municipalities, non-governmental organizations, local communities, district electoral commissions and mass media. At the public hearings to monitor the situation of implementation of the NAP, it was discussed the follow up process of mechanism on "Universal Periodic Review" and its implementation in the Republic of Azerbaijan.

In the official report on UPR it was particularly mentioned that Ombudsman had also taken active part in its preparation. It should be mentioned that eleven points of the document somehow deals with the activity of the Commissioner. The establishment of the Ombudsman Institute was welcomed; in general the activity of the Commissioner was highly appreciated in the Review on the Report of the Republic of Azerbaijan on UPR worked out by the UN High Commissioner for Human Rights. The Review enshrines proposals of Ombudsman on adhering to international documents, provision of gender equality, domestic violence, early marriages, combat against human trafficking, protection of the rights of inmates, refugees and IDPs and other strata of population, adoption of the National Action Plan (NAP) on Human Rights Protection, the activity of Ombudsman in its efficient implementation, by organizing independent monitoring, regular public hearings all over the country and other issues.

In the initiative of the Commissioner the staff members of the Office were presented and took active part in the activity of the Working Group "On preparation and submission of the report of the Republic of Azerbaijan in the frames of the Universal Periodic Review of the UN Human Rights Council" established according to the Decree of the President of the Republic of Azerbaijan from July 11, 2008.

According to the Resolution of the UN Human Rights Council No. 5/1 dated June 18, 2007 relevant report was compiled on UPR mechanism and it was sent to the UN High Commissioner for Human Rights. Best practices in provision of human rights in recent years, as well as current shortcomings, difficulties were reflected in that report in accordance with relevant demands. Besides, a reference on the activity of the Ombudsman was submitted to the Ministry of Foreign Affairs to be included in the official report.

The Commissioner regularly met with the population, organized receptions, provided them with explanations and recommendations, interfered into the solution of their problems, as well as attracted local executive and law enforcement bodies to the restoration of violated human rights.

Commissioner always pays great attention to the protection of the rights of different groups of population such as IDPs' and refugees, women, children, elderly people and etc.

The protection of refugee and IDPs' rights became one of the main directions of the Commissioners' work. The Commissioner received the refugees and IDPs appealing to her at various times and helped them to solve their problems.

The issues of the provision and protection of rights of disabled people and children with disabilities were always on the spotlight. Numerous activities were taken for integrating these persons into the society.

The examinations showed that ramps for ensuring secure and free movement of people with disabilities on the wheel were not installed along a number of roads and in some buildings, or existing ones do not comply with contemporary standards.

The recommendations of the Commissioner on provision of buses and cars acceptable for disabled people were taken into account by the Ministry of Transport and modern vehicles having special ramps for disabled people and children on wheelchairs were brought to Azerbaijan.

In conformity with the State Program on Strengthening Social Protection of Older Persons, during 2006 – 2008 it was planned to provide old people of country cities and regions with gerontological services, professional psychological and medical aid as well as conduct appropriate courses on gerontology. Nevertheless, these activities have not been fully implemented yet.

Moreover, aimed at the protection of the health of old people the State Program covers organization of radio and television programs on psychology, sport and health as well as the implementation of appropriate activities on ensuring their health. These important issues should be taken into consideration and it was proposed the adoption of new state program on ageing.

It was recommended to take necessary measures for providing low-income categories of people with addressed social aid, which is a monetary support to poor families by state, to reexamine the legislation rules and list of documents for defining the assistance, train social workers and raise executors' capacity.

After examining homes for old people, the Commissioner advised to carry out training courses for the staff of these facilities, to create conditions on organization of trips for exchange of experience and conduction of different meetings. Such events will stimulate them that will have positive impact on the quality of work and make them feel that they are not isolated.

The continuation of examining the situation of the population groups in need of social provisions and of amending the law in this connection is expedient. In recent years the pensions increased 10 times in the country and 85 percent of pensioners have climbed out of poverty. There are 450 000 pensioners in the country.

There are also specialized advisors to the Commissioner who prepare specialized reports to submit to the Commissioner. It allows the Commissioner to investigate and study in depth the different fields of human rights and produce effective solutions to the challenges faced.

The first specialized report of the Commissioner on child rights was prepared, translated into English and afterwards published and sent to the UN Committee on the Rights of the Child, UNICEF, ombudsmen of foreign countries and international organizations what served the dissemination of our positive practice and exchange of experience.

In her reports the Commissioner opposed the announcement of kindergartens' privatization and notified its harm on pre-school education.

It is a necessary to conduct examination as well the new surveys among children and parents in order to learn actual effect of curriculums applied in the sphere of education.

At the same time, the application of curriculums should not reduce responsibilities of teachers and unreasonably overload students. The training of teachers should be systematic and sustainable as well as should not be unified.

The posters entitled "Send immediately the information on violation of child rights to the Commissioner! 916 – is the hotline functioning for 24 hours", "Protect children from corporal punishment" and placards on the combating HIV/AIDS were multiplied and presented to the facilities dealing with children.

In order to solve such problems as early marriage, domestic violence, provision of addressed social aid supplying young families with apartments, problems regarding reproductive health, family planning, psychological aid, alimonies and others the Commissioner submitted proposals to appropriate state bodies.

These proposals were covering the following areas: adoption of the law and the plan on combating human trafficking; establishment of crisis centers for women and children being subjected to violence, shelters for juveniles released from penitentiary facilities as well as of centers of support to children deprived of parental care; adoption of legislative and normative acts for regulating legal state of people deprived of their place of residence or released from prisons addition of provisions on the fight against human trafficking to the Criminal Code; and preparation of legislative acts on protection of women's rights, provision of gender equality and prevention of domestic violence.

The Commissioner recommended to combat violence against women on various stages, including preventive measures, carrying out the work on legal enlightenment, organization of meetings and explanation, revealing the cases of violence, obtaining accurate statistic data, creation of data base, restoration of violated rights, establishment of special shelters, provision of financial, moral and psychological support to women suffered from domestic violence as well as implementation of these activities in parallel to combating violence against children.

The Commissioner and the Institute's staff members regularly paid visits to investigatory isolators and prisons of the Penitentiary Service of the Ministry of Justice. During these visits it were inspected dormitories, medical units, canteens, libraries and clubs of penitentiaries as well as had meetings with inmates imprisoned in punishment and chamber cells and learned their problems.

Special attention was paid to personal security of prisoners, provision of their right to vote, freedom of conscience, belief and religion as well as their health protection.

Taking into account the significance of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights adopted by the UN General Assembly's Resolution No.63/117 on 10 December 2010 and already signed by our state the Commissioner considers acceleration of its ratification as a necessary step. It should be mentioned that the Optional Protocol provides the Committee on Economic, Social and Cultural Rights with the responsibility to hear individual or inter-state complaints.

One of the population problems has been complete or partial destruction of houses and agriculture as a result of floods on Kura and Araz rivers.

In connection with the floods urgent meeting in the area of natural disaster was conducted under the guidance of the President and with the involvement of state officials; the instructions were given on implementing urgent and complex activities following the plan. Also, Government Commission headed by the Prime Minister of the Republic of Azerbaijan was established.

According to the appropriate Decree of the President, the 2010 was declared as the "Year of Ecology". Within the successful implementation of relevant policy in the sphere of ensuring people's right to live in healthy environment the Ministry of Ecology and Natural Resources took significant measures.

With the aim of more efficient provision of citizens' right to live in healthy environment the Commissioner together with the mentioned Ministry carried out joint activities within the frame of the "Year of Ecology".

The Commissioner provided recommendations on conduction of joint discussions in connection with the improvement of the legislation on Ecology; conducting legal enlightenment events and short-term training courses in the secondary and high educational facilities as well as for people living in districts, IDP settlements and for NGO representatives; organization of joint awareness-raising TV programs within the "Year of Ecology"; publication and dissemination of leaflets, memory books, posters and other promotional materials.

It should also be pointed out that during the term of Commissioner in office 326 prisoners were pardoned or released upon the amnesty act following her motions. The Commissioner also urged with regard to pardoning of women, children, disabled persons, old people, and journalists.

The citizens personally may submit their applications to the Commissioner by various means, including postal service, e-mail, fax, reception rooms at the main office and the regional centers, “hotline” of the “Rapid Investigation Group”, “Hotline service for children”, and during the visits conducted by Commissioner and the Institute’s staff members to penitentiaries, investigatory isolators, temporary detention places (TDPs), military units, orphanages, boarding schools, settlements of the IDPs as well as healthcare, social protection and educational facilities all over the country.

The main reason in increase of amount of complaints’ lies in growth of confidence and trust to the Commissioner and the Institute; activation of regional center’s work; advancement of awareness-raising activities in cities and rayons; giving preference to the meetings with people on the spot; conduction of the work on legal education and enhanced explanation among groups of the population within the framework of the public hearings initiated with the aim to monitor the implementation and promotion of the measures provided in the NAP on Human Rights; holding meetings and receptions; giving preference for the conduction of investigations on the spot regarding the investigation of general cases specified in a number of complaints; increase of sustainability and consistency of inspections conducted in temporary detention places, investigatory isolators, penitentiaries, military units, settlements of IDPs, facilities for children, for old and disabled persons as well as other social objects; functioning of Rapid Investigation Group against torture; enlarging the efficiency of the national preventive mechanism (NPM) as well as improving its capacities.

The gained experiences from previous years proved once more the necessity of development and improvement of the cooperation with state bodies, municipalities, non-governmental organizations and mass media for provision of human rights and freedoms, consideration of complaints without delays, as well as for their rapid investigation.

The Commissioner addressed the appropriate state bodies with proposals and recommendations aimed at solution of important issues existing in the country as well as at effective ensuring of human rights and freedoms reflected in the annual reports. These recommendations, being considered as basing on economic state and financial resources of the country in the process of conduction of activities in the socio-economic sphere, continue to serve for reliable provision of human rights.

Working on effective protection of human rights as well as learning the state of their provision, prevention of their violation and the restoration of violated rights for more than nine years, the Commissioner also worked in close cooperation with appropriate state bodies and implemented planned and urgent activities.

As a result of a number of measures taken on such issues as the provision of responses by state agencies to submitted appeals of citizens, prevention of abuse of their responsibilities by officials, maintenance of ethics rules in dealing with citizens and elimination of red tape, in many cases violated rights were restored.

In order to perform NPM duties granted by the appropriate presidential Decree, the Commissioner prepared draft documents reflecting the new structure of the Ombudsman Institute, schedule of staff members and regulations and submitted them to the Cabinet of Ministers and the Ministry of Finances.

The Commissioner initiated and organized a number of important activities and made numerous proposals on effective provision of human rights and freedoms as well as on solution of the problems of different groups of population, including women, old people, children, disabled persons, refugees, IDPs, migrants, detainees and military servants, were taken into account in various legislative acts, programs and are applied in current work of state bodies.

The Commissioner and her staff members following her instructions regularly conducted meetings with the population in different country areas, carried out visit to prisons, investigatory isolators, temporary detentions places, military units, orphanages, boarding schools, settlements of refugees and IDPs as well as social protection, health and educational facilities, organized receptions, carried out explanatory and consultative work and took concrete measures on the protection of human rights.

Some of the officials having direct duty to ensure human rights and legally responsible for the protection of human rights demonstrate disrespect for Rule of Law, do not fully implement their commitments and lead to increase of discontent and disbelief of citizens.

It should be specially pointed out that such attitudes do not comply with the current measures and sustainable development course of the state aimed at the effective protection of human rights.

Thus, first of all, the Commissioner severely controlled the provision of people's right to appeal by different state bodies and officials.

So, besides monitoring human rights situation and restoring violated rights in the country by establishing bridge between state bodies and civil society Ombudsman as National Human Rights Institute plays an important role in mediation and harmonizing the situation.

The Ombudsman has close cooperation with Mass Media and Civil Society. From the beginning of the establishment of the Ombudsman Institute Council of Independent Experts, which consist of the representatives of different NGOs, has been functioning at the Ombudsman Office. It has huge importance in evaluating main directions of human rights in the country, adoption of international conventions and preparing recommendations on the improvement of national legislation. Rational attraction of NGO resources in the conduction of joint activities and monitoring on the evaluation of the application of proposals submitted to the state is of outmost importance.

The eight of all seventeen inquiries sent by the Commissioner to the Plenary Session of the Constitutional Court were decided. The rulings including the explanations which have theoretical and practical importance were made by the Chamber regarding other eight cases. The work on further inquiries to be submitted to the Constitutional Court is being continued.

It was recommended that the district police should strengthen the preventive control over conflicting families, the attention to complaints on such issues should be increased, and reconciliation opportunities should be broadly used by changing of attitudes.

Among the complaints submitted to the Commissioner the cases on State Traffic Police treatment and professionalism attracted special attention. They treat drivers roughly, and conduct other actions contradicting with the law. Eventually, such situations lead to fair discontent of people and their appeal to the superior state agencies.

Upon the initiative and proposal of the Commissioner, trainings and legal awareness-raising activities were carried out for increasing professional skills and enhancing legal knowledge of mass media representatives, especially journalists writing on human rights, and furthermore, the competition of journalists' articles on the topic "Human Rights for All" are being carried out and winners receive certificates and rewards.

In connection with the Presidential elections, elections to the Milli Majlis (Parliament) and municipality elections the Commissioner conducted broad educational activities among the population of country cities and regions on the right to vote, visited district and local election commissions, provided instructions and proposals on the improvement of their work. Also, the Commissioner and the Institute's staff members observed the election process all over the country. The information was systematically provided to the mass media and society by means of mass media.

The Commissioner carries out seminars and other awareness-raising activities jointly with the Ministry of Labour and Social Protection of Population as well as with involvement of staff members of local agencies dealing with defining and providing addressed social aid, local NGOs and communities.

Along with the medical prophylactic measures for prevention of the spread of drug addiction, AIDS and tuberculosis among the population, especially the youth, it were taken measures for mass promotion of healthy lifestyle, and increased the advertising materials on AIDS in mass media and educational TV programs.

The Commissioner paid attention to the situation of ensuring the rights of people suffering from mental illnesses, regularly got acquainted with the conditions created in appropriate medical facilities for their treatment, learned the problem of these group of people in need of assistance and helped in their solution.

In addition, the improvement of mechanisms of people's provision with accommodation though society directed mortgage loans appropriate to the earnings of low-income families will play a crucial role in providing a big number of families with apartments.

The bribery cases were observed in various sphere of social-economic life, such as provision of the documents in illegal constructions areas, in some secondary schools, facilities of higher education, registration and notary offices; seizure of different documents from housing and community amenities or from the representatives of administrative territorial units of local executive body's heads; defining the disability degree in medical-social expert commissions; defining addressed social aid in STP agencies; in ID and Registration divisions, in public services and other.

As it is known in order to implement more serious and systematic fight against corruption and bribery proper instructions were given to appropriate state agencies, their main responsibilities were identified and concrete measures are being taken.

For better protection and ensuring human rights and freedoms in her previous annual reports the Commissioner recommended to the authorities to use the public control capacities in penitentiary facilities, army, and spheres of social protection, education and health as well as in socio-economic life.

As a result, many proposals on further improvement of the social situation of citizens are gradually implemented.

The activities on increasing the welfare of various groups of the population make positive input year by year. At the same time, for more effective provision of human rights there is a need in carrying out of measures to solve existing problems in social sphere.

Finally, the Commissioner who is carrying out analysis on the basis of received complaints, submitting effective proposals and recommendations to responsible state bodies for the protection and provision of violated human rights and bringing to the spotlight the important issues on reliable protection of citizens' rights and freedoms, expresses her intention to continue her activities through the cooperation with state bodies, municipalities, local communities, civil society organizations and mass media to build effective cooperation for better protection of each person in country jurisdiction without any discrimination.

Thank you for your attention

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of the Republic of Azerbaijan