

I. METHODOLOGY

1. This report has been prepared in accordance with the Resolution 5/1 of Human Rights Council made on 18 June 2007 and *General Guidelines for the Preparation of Information under the Universal Periodic Review*¹.
2. In the process of preparation of this report broad consultations in the form of network have been held with all major state actors responsible for ensuring of human rights, numerous non-governmental organisations (NGOs), self-governance organisations, specialised in human rights issues, religious and minority communities, etc.

II. INFORMATION ON THE COMMISSIONER FOR HUMAN RIGHTS (OMBUDSMAN) OF THE REPUBLIC OF AZERBAIJAN

3. The institute of the Commissioner for Human Rights was established by the Constitutional Law “On the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan” adopted on 28 December 2001 in compliance with the commitments undertaken by Azerbaijan upon accession to the Council of Europe.
4. The Commissioner builds her work in co-operation with national stakeholders, state actors, municipalities, religious and local communities, NGOs, UN bodies, including Office of the High Commissioner for Human Rights (OHCHR), specialised agencies and treaty bodies, Council of Europe (CoE), Organisation for Security and Co-operation in Europe (OSCE), European Union, International Ombudsman Institute, European Ombudsman Institute, Asian Ombudsman Association, other international organisations, as well as embassies of different countries in Azerbaijan), and mass media.
5. In 2006 the Commissioner’s Office was accredited with “status A” by the International Coordination Committee of National Institutions for Promotion and Protection of Human Rights (ICC). Since then the Commissioner has participated in the work of the 6th and 7th sessions of the Human Rights Council, the 20th session of the ICC, and submitted several written statements to the OHCHR.

III. SCOPE OF HUMAN RIGHTS OBLIGATIONS AND NATIONAL LEGISLATION

6. Azerbaijan is a party to two international covenants and all main UN treaties on human rights. The Convention on Human Rights of Persons with Disabilities and its Optional Protocol also were signed and the Commissioner recommended the Parliament to ratify these documents within the shortest period of time.
7. The Commissioner has submitted a proposal for speeding up the ratification of the Optional Protocol to CAT, signed by the Republic of Azerbaijan on 15 September 2005. In present the perspectives of establishing a national preventive mechanism are being discussed.
8. The Commissioner regularly analyses national legislation and has addressed several inquiries to the Parliament on it’s improvement, as well to the Constitutional Court of the Republic of

¹ See UN Doc A/HRC/6/L.24

Azerbaijan for assessment of compliance of some norms of the national legislation with the Constitution of the Republic of Azerbaijan.

9. One of the positive developments was adoption of the first National Action Plan (NAP) on Protection of Human Rights by the Presidential Decree of 28 December 2006. To ensure efficient implementation of the NAP a Working Group, guided by the Commissioner, was established for independent monitoring, evaluation and coordination of joint efforts of state bodies and actors of the civil society conducts regular public hearings in each district of the country aimed at raising public awareness, discussing the perspectives of collaboration and consolidation of all stakeholders for its implementation. These public hearings are attended by the members of parliament, representatives of local executive bodies, courts, police, prosecutor offices, municipalities, local minority communities, NGOs and mass media.
10. The new State concept of support of NGO's was adopted and the NGO Council was created for capacity building and financial support of these organizations, that will stimulate further development of the civil society in whole including the country regions.

IV. SPECIFIC AREAS OF HUMAN RIGHTS CONCERN, BEST PRACTICES AND ACHIEVEMENTS

Nagorno-Karabakh conflict

11. Aggression of Armenia against Azerbaijan for twenty years resulted in occupation of Nagorno Karabakh and seven surrounding regions (which constitute approximately twenty per cent of the country territories), grave breaches of international humanitarian law and gross violation of human rights (including the basic right to life), as well as in massive displacement of people.
12. With a huge number of refugees and internally displaced persons (IDPs) Azerbaijan suffers from one of the biggest displacement problems in the world². The Commissioner pays regular attention to the IDPs, visits them on the spot, receives their complaints and assists in solution of their problems.
13. A lot of positive work has been done by the Azerbaijani government in this field. Thus, significant budgetary allocations were spent on building of new IDP settlements, improvement of infrastructure, opening of educational and healthcare facilities, etc. By 29 December 2007 all tent camps were closed, and people were moved to the new settlements.
14. However, a number of problems remain in this field. The Government conducts wide-scale measures aimed at economic and social development of regions; however there are some reports on lack of economic opportunities and labour places in rural areas and relatively high rate of unemployment among refugees and IDPs. The Commissioner proposed to the State Committee for Refugees and IDPs, as well as to regional executive authorities and the employers to involve IDPs into labour activities, as well as to draft and fulfill a new state programme in order to encourage people to participate in small business, and provide them with concessionary credits.
15. It is necessary to pay special attention to the education and health care of refugees and IDPs. Although targeted reforms are continuously held in the sphere of education, and each year more schools are built and provided with modern equipment on financial means of Heydar Aliyev

² Report of the Representative of the Secretary General on the human rights of internally displaced persons, Walter Kälin, submitted pursuant to General Assembly Resolution 60/251, Mission to Azerbaijan, (A/HRC/8/6/Add.2), para.7

Foundation, schools in remote regions and IDP settlements still experience shortage of teaching staff and equipment. The Commissioner has recommended to the Ministry of Education to assign more university alumni, qualified in teaching, to schools in villages, regions and settlements of the refugees and IDPs. It is noteworthy that refugees and IDPs are exempt from paying tuition fees for study at the state universities.

The new diagnostic centres, hospitals and ambulatories as well as huge modern Olympic Sport Complexes were built in the regions of the country, including IDP settlements.

16. It is evident that for efficient protection of rights and liberties of refugees and IDPs the main source of the problem, that is the armed conflict itself, should be addressed. In this regard activities of the Alliance for Peace and Development at the Commissioner, consisting of governmental agencies, NGOs and religious communities joining efforts for peace-making in, are being continued. The Commissioner regularly addresses the international community, OHCHR, CoE, OSCE and other organisations with statements appealing to assist in stopping the aggression and solving the Nagorno-Karabakh conflict by peaceful means.

Right to security and dignity of person

17. The Commissioner pays special attention to the problems of detainees and prisoners. She and members of her staff pay regular visits to the penitentiary and detention centres, get acquainted with the detention conditions of inmates, enquire about their health state and complaints on conditions and treatment. There is a 24-hour hotline established at the Commissioner's Office against torture and other forms of ill-treatment. A Rapid Investigation Group is effectively functioning at the Commissioner's Office for prompt investigation of complaints on alleged cases of violence. The Commissioner also works closely with the families of the prisoners, as well as assists them with their social problems (i.e. receiving of pensions and allowances).
18. The Commissioner has made several motions for pardoning to the country President and 240 persons were released. It is a positive achievement that due to eight acts of amnesty covered total 40 thousand persons and forty five acts of pardoning about 5 thousand persons number of prisoners in Azerbaijan has dropped to less than 200 per 100 000 people, whereas the average indicator for other countries reaches 500-800 prisoners per 100 000 people.
19. The Law "On social adaptation of the former prisoners" was adopted on 31 May 2007 for successful integration of the liberated prisoners with the society. On this occasion the Commissioner held round table discussions, as a result of which a set of recommendations were adopted and presented to the respective state bodies. Another new Law "On amendment of the Code of the Republic of Azerbaijan on Execution of Punishment and of the Criminal Procedural Code of the Republic of Azerbaijan" was adopted on 24 June 2008. This law provides the inmates with a wider range of rights, alleviates detention conditions and censorship of correspondence, creates more opportunities for involvement of prisoner to labour and social activities, etc.
20. For improvement of protection of rights of the under-aged prisoners the Commissioner accelerates establishment of system of juvenile justice.
21. A Public Watch Group consisting of NGOs was established at the Ministry of Justice to conduct regularly independent monitoring of the conditions in prisons and detention centres without limitation as to the number and time of visits or the choice of a place of visit.

Fair elections and freedom of assembly

22. The most recent development in the field of electoral rights was adoption in June 2008 of ninety one amendments to the Electoral Code, agreed with the Venice Commission. It is also noteworthy that two Presidential Decrees “On improvement of election practice” adopted on 11 May and 25 October of 2005 have banned interference of executive power and the police with the process of elections in the country.
23. With a view of better ensuring of freedom of assembly (particularly during the elections period) the Commissioner conducts regular trainings for the police and staff of detention centres aimed at explaining them their duties and functions in order to avoid interference with the elections process. On the Commissioner’s initiative a book on “Police and Human Rights” was translated into Azerbaijani language and published. Currently the Commissioner’s Office is preparing to publish short manuals and teaching modules, based on this book that will be used for training of all police servants.

Freedom of expression

24. The Commissioner considers freedom of expression as one of the most important elements of democracy and the rule of law. The Commissioner works closely with the representatives of mass media. Since its inception the Commissioner’s Press service has circulated around 1500 press releases, over 1000 of which were translated into English and sent to the CoE.
25. In the past period there were several incidents and arrests of nine journalists that attracted the Commissioner’s attention. The Commissioner reacted to each case and conducted detailed investigation on the matter.
On several occasions the Commissioner addressed petitions to the authorities on pardoning of journalists, alleviation of their detention conditions and providing assistance in receiving of medical treatment. It is noteworthy that six journalists have been pardoned, however three still remain imprisoned.
The Government reported that the arrests of journalists are not linked with their professional activities.
26. There are certain problems existing in this area. Thus, the Commissioner has recommended the courts to apply alternative punishment instead of imprisonment of journalists. The Commissioner also finds it expedient to reduce economic charges and fines applied against newspapers for professional offences.
27. The Commissioner regrets to note that there are certain newspapers and journalists in the country that lack knowledge of professional ethics, which result in various professional offences. It is worth noting that the new State Concept of Support for Journalists was adopted on 31 July 2008, which sets principles of state support to journalists and independent media (including financial assistance and professional training). The Commissioner welcomed these efforts of the government, urged to continue support for mass media and recommends conducting trainings for journalists on professional ethics.

Equality and non-discrimination

28. The Commissioner works closely with Russian, Jewish, Avar, Lezgin, Ingiloy, Talish and other minority communities in the country, visits regularly their settlements and conducts on-spot investigations. It has to be stressed that the Commissioner did not receive any complaint concerning national, ethnic or racial discrimination.

29. The Commissioner also works closely with religious communities and promotes tolerance and inter-religious dialogue in the country. In the past period the Commissioner received complaints from representatives of Jehovah's Witnesses. The Commissioner met with their representatives and made inquiries to the relevant authorities, including to the Committee of Religious Affairs. In certain cases it was found out that these persons were detained for violation of the Law "On freedom of religion" (i.e. they were attracting teenagers to their community, disseminating illegal literature, etc.).
30. Despite recent adoption of the Law "On gender equality", there are certain concerns related to this field. Thus, problems of domestic violence and under-representation of women in decision making have not been sufficiently addressed. Early marriages also remain as a problem in some of the remote regions of the country, which has a negative impact on education of girl child and women, their active participation in social life, protection of their rights. The Commissioner believes that more effective measures should be adopted with regards to this problem. The Commissioner also recommends in cases when an adult person enters in marriage with an under aged girl to bring this person to criminal responsibility.
31. The problem of trafficking in persons was addressed by establishment of Department on Trafficking in Human beings at the Ministry of Internal Affairs. The Commissioner works in close collaboration with this body and recommends opening shelters for victims of trafficking, as well as adopting a state programme for rehabilitation of victims and their return to the society and families.

Corruption

32. The Commissioner works closely with the newly established entities for combating corruption, i.e. Commission for Combating Corruption, the Anti-Corruption Department with the General Prosecutor that are working in Compliance with UN Convention against corruption, Council of Europe Criminal Law and Civil Law conventions on corruption, UN Convention against transnational organized crime, as well the international network GRECO and other documents on support to the anti-corruption strategy of Azerbaijan. The State program, later the National Strategy for Increasing Transparency and a special Law on Combating Corruption were adopted.
33. Concrete measures are being realized for implementation of the corresponding legal norms, for example establishment of the new "one window" system simplified significantly the terms of business registration and practically avoided corruption in this field.
At the same time this problem continues hindering human rights protection in different fields and the further effective measures should be implemented.
The newly adopted Law on Access to Information, Code of Ethics, Amendments to the Penal Code and others also will serve as effective tools in combating corruption.

Property rights

34. The Commissioner regrets to note that in some cases of demolition of houses for general city re-construction purposes, owners' rights are violated. They are either not provided with compensation, or the latter is provided with a delay.