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Point 9 de l'ordre du jour

**Le racisme, la discrimination raciale, la xénophobie
et l'intolérance qui y est associée – suivi et application
de la Déclaration et du Programme d'action de Durban**

Informations communiquées par le Commissaire aux droits de l'homme (Médiateur) de la République d'Azerbaïdjan*

Note du secrétariat

Le secrétariat du Conseil des droits de l'homme fait tenir ci-joint la communication présentée par le Commissaire aux droits de l'homme (Médiateur) de la République d'Azerbaïdjan**, reproduite conformément à l'article 7 b) du règlement figurant dans l'annexe de la résolution 5/1 du Conseil des droits de l'homme, qui dispose que la participation des institutions nationales des droits de l'homme s'exerce selon les modalités et les pratiques convenues par la Commission des droits de l'homme, y compris la résolution 2005/74 du 20 avril 2005.

* Institution nationale des droits de l'homme à laquelle le Comité international de coordination des institutions nationales pour la promotion et la protection des droits de l'homme a accordé le statut d'accréditation «A».

** La communication est reproduite en annexe telle qu'elle a été reçue, dans la langue originale seulement.

Annexe

23rd session of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC)

**Palais des Nations
Geneva, 23-25 March 2010**

Statement of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, Mrs. Elmira Suleymanova, on the provision of the rights to non-discrimination in the Republic of Azerbaijan and the role of the Ombudsman

Azerbaijan as a multinational ethnic and poly-confessional state supports the principle of “unity and diversity”. We are proud that there was no case of intolerance and discrimination on the ground of ethnic belonging, religion, language and culture at any stage of the centuries-old history of Azerbaijan.

National minorities fully enjoy their rights in the sphere of establishing of their national centers, associations and other agencies. Tens of newspapers and magazines are published; radio and TV programs are aired in their languages everyday.

Relevant state bodies paying particular attention to the national protection of the minorities and migrants in order to prevent discrimination, combat racism, xenophobia in the frames of their competences take necessary preventive measures.

The Republic of Azerbaijan is a member of the UN from 1992, and of the Council of Europe from 2001. Azerbaijan has signed more than 250 international conventions, half of which are related to the protection of human rights and freedoms.

One of the international conventions Azerbaijan has signed that assumes great importance is the Framework Convention for Protection of National Minorities. The Framework Convention that came into force in 1998 is the first convention aimed at protection of the rights of persons belonging to national minorities.

The Republic of Azerbaijan that adhered to the above mentioned Convention in June 16, 2000 improved its national legislation in compliance with the principles that were determined by the Framework Convention in the sphere of protection of the rights of national minorities.

The rights and freedoms of all nations are regulated by the Constitution of the Republic of Azerbaijan and adopted normative legal acts.

The Article 25 of the Constitution of the Republic of Azerbaijan affirms the equality of all before the law and court. The State guarantees the equality of the rights and freedoms of every person irrespective the race, nationality, religion, language, sex, origin, property status, service position, belief, belonging to political parties, trade unions and other public organizations and prohibits any kind of discrimination.

According to the Article 47 everyone has the right to protection of freedom of expression and speech. According to Law nobody can be forced to explain or change her/his thought and religion. Agitation and propaganda causing race, national, social enmity and animosity is prohibited.

In September, 1992, the President of the Republic of Azerbaijan signed a Decree “On State support for protection the rights and freedoms and development of languages and

culture of national minorities, small numbered peoples and ethnic groups living in the Republic of Azerbaijan” with the purpose of creation auspicious conditions for their free development and improvement of their language and culture.

Under the provisions of Constitutional law on the Human Rights Commissioner, everyone under the jurisdiction of Azerbaijan has the right to appeal to the Commissioner irrespective their race, nationality, religion, language and other factors.

According to the Article 8.1 of the Constitutional Law on the Commissioner for Human Rights of the Republic of Azerbaijan, the Ombudsman shall examine the complaints of the citizens of the Republic of Azerbaijan, foreigners and stateless persons, as well as legal entities related to the violation of their human rights.

The Commissioner for Human Rights of the Republic of Azerbaijan held awareness-raising campaigns on promotion of human rights and freedoms enshrined in the national legislation, international conventions to which Azerbaijan is a party, as well as International Convention “On Elimination of all forms of racial discrimination”.

The Commissioner paid close attention to the issues related to freedom of conscience during the visits to penitentiaries and she made proposals on improvement of detention conditions of the sentenced persons belonging to different religions and national minorities, different nourishment, organization of meetings with relevant religious figures, their provision with praying rooms and special literature.

The Commissioner visited Guba region where Jewish national minorities compact settled, also Khinalig village - the most remote settlement in this region, met local residents belonging to national minorities, got acquainted with their problems.

The Commissioner held meetings with the participation of Georgian Ombudsman and representatives of Georgian Embassy in the Republic of Azerbaijan and local executive powers in Gakhingiloy settlement where national minorities Georgians by origin do live and learned the situation with provision of their rights.

The Commissioner has close relations with the Council of Russian community in Azerbaijan, holds regular meetings with them. At these events the Commissioner noted that Russians were never exposed to national and religious discrimination for the period they lived in Azerbaijan, they actively participated in the social-political, scientific-cultural and economic life of the country preserving their ethnic identity, traditions, language and culture, the Council of Russian Community in Azerbaijan was succeeded with public activeness in civil society building process during the years of activity.

The Commissioner holds regular meetings with the representatives of the Tatar, Jews, Georgians, Russians and other communities in Azerbaijan in her own initiative or on their invitation.

The Commissioner recommended to use the book titled “Peace culture from the education-gender perspective” translated in her initiative into the Azerbaijani and Russian languages and distributed among the educational institutions and NGOs for promotion of peace culture and deeper understanding of knowledge in this sphere.

Regional Centers of the Commissioner for Human Rights were opened in four regions of the Republic of Azerbaijan where national minorities live more compactly: Guba (covers 6 rayons), Sheki (covers 6 rayons), Jalilabad (covers 9 rayons) and Ganja (covers 12 rayons).

On the basis of the received appeal the Commissioner prepared relevant information and proposals on the Resolution “On Strengthening of the activity of the United Nations in the sphere of Human Rights by promotion of international cooperation and impartiality, objectiveness and unacceptability of discrimination” No. 58/168 adopted at the 58th session

of the UNGA, the implementation methods of the best practice gained in combat against impunity on the basis of the “Impunity” Resolution No. 2005/81 of the UN Human Rights Commission and Collection “Of the Principles of promotion and protection of Human Rights by combating impunity” in the country, the activity carried out by the Azerbaijani Ombudsman in compliance with “The Recommendations adopted during the third meeting of Intergovernmental Working Group for efficient implementation of Durban Declaration and Action Program on combat against racism in the Internet” on the basis of received appeal from Human Rights High Commissioner, as well as on “The Strategy on Human Rights, Combat Against Racism and Discrimination” that were sent to respective state bodies.

The Commissioner sent appeal to the Parliament, the Ministries of the Foreign Affairs and Education on prevention of discrimination in the sphere of provision of human rights and freedoms, as well as on ratification of the Convention of UNESCO “Against discrimination in Education” dated December 14, 1960 considering the necessity of signing this Convention and this Convention was ratified by the Parliament.

The Commissioner also addressed to the Parliament the proposal for accelerating the process of ratification of Protocols No. 12 and 14 to the European Convention on Human Rights that were devoted to prohibition of discrimination.

During her term in office the Ombudsman signed bilateral agreements on mutual collaboration with ten Ombudsmen Institutions (Federal Ombudsman of Russia and its regions, Ukraine, Georgia, Uzbekistan and Poland). In these agreements along with mutual exchange of experience, directions of joint participation of nations living in both countries in solution of existing problems, as well as in provision of human rights and freedoms reflected in international conventions were enshrined.

As a logical continuation of the reforms carried out in the direction of more efficient ensuring of human rights National Action Plan (NAP) on Protection of Human Rights in the Republic of Azerbaijan was approved by the Decree of the President of the Republic of Azerbaijan dated December 28, 2006.

Existence of NAP is very important for our country that moves forward on a way of building legal and democratic state ruled by law from the standpoint of efficient organization of the protection of fundamental human rights and freedoms enshrined in international legal acts and national legislation.

NAP on Protection of Human Rights in the Republic of Azerbaijan consisting of 5 parts and 48 paragraphs embraces improvement of legislation is a document of great importance from the standpoint of human rights protection, collaboration with the international organizations dealing with human rights, strengthening of the protection of the rights of different groups of population, improvement of work of state bodies from the point of provision of human rights and important measures in realization of tasks such as education, enlightenment, scientific-analytical and co-operation in human rights area.

The paragraph 11 of NAP enshrines protection and development of cultural heritage of national minorities, the paragraph 39 enshrines conduction of awareness actions in cities and regions of Azerbaijan Republic for the development of legal sense and legal culture, the elimination of discrimination, and promotion of peace and tolerance culture. In the past period significant measures were taken by respective state bodies in this direction.

Working Group was established for coordination of the implementation of NAP and it is functioning successfully under the guidance of the Ombudsman as an independent unit.

Public hearings were held in 54 districts of the country in the initiative of the Commissioner with the purpose of monitoring and evaluation of promotion and implementation of NAP. These events were attended by deputies elected from certain

regions, heads of local executive powers, court and law enforcement bodies, municipalities, local NGOs, mass-media, District Electoral Committees and representatives of local communities of national minorities.

During the conduction of public hearings the Commissioner visited the places where national minorities live compactly in different regions of Azerbaijan, met with representatives of religious communities, and people, learned their daily living condition, provision of their rights, got acquainted with religious monuments and construction works on the spot.

June 18 of each year is appointed as a National Human Rights Day by the Decree of the President of the Republic of Azerbaijan dated June 18, 2007 taking into consideration the proposal of the Ombudsman.

On the eve of the National Human Rights Day month-long campaigns were conducted in the whole country in the initiative of the Azerbaijani Ombudsman. State bodies and representatives of civil society joined this process with great enthusiasm. These events were held covering all regions of the country.

I would like particularly to mention that as a result of foreign aggression for more than 20 years, 1/5 part of our territory was occupied, more than one million Azerbaijanis including national minorities became refugees and IDPs.

It should be stressed that, about thirty thousands of Armenians still do live in Azerbaijan and their rights are equally ensured. Azerbaijani citizens belonging to Armenian nationality appealed to the Ombudsman Institution during its activity and those appeals were investigated and satisfied in compliance with Law.

As a National Human Rights Institution of the Republic of Azerbaijan guiding with international documents adopted in the sphere of combat against discrimination we consider that National Human Rights Institutions and other human rights organizations should include fight against racism, racial discrimination, xenophobia and related intolerance in past and present such as, anti-Semitism, Islamophobia, other forms of discrimination based on religious grounds, apartheid, racially and culturally motivated genocides, ethnic cleansing, discrimination against migrants, refugees, ethnic minorities, as well as discrimination based on decent into the priorities of their activity, should join efforts aimed at elimination of mentioned grave crimes resulting in rough violation of human rights and freedoms claiming the punishment of the states committing such criminal acts.
