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**Organismes et mécanismes de protection
des droits de l'homme**

Informations communiquées par le Commissaire aux droits de l'homme (Médiateur) de l'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 l'Azerbaïdjan, reproduite conformément à l'article 7 b) du Règlement intérieur figurant dans l'annexe à 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, notamment 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.

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Merci de recycler



Annexe

[Anglais seulement]

Submission by the Azerbaijan: Human Rights Commissioner (Ombudsman)

The role of Azerbaijan NHRI in the field of business and human rights

General observation in the world is that, in recent years, the role of National Human Rights Institutions became more important in resolution of many issues related to the human rights. Now they are considered as a crucial tool in protection and promotion of human rights, prevention of violence and bringing national legislation into conformity with international conventions to the country is a party.

The issue of business and human rights is actual and important. Particularly in recent years this issue began to take place at the centre of attention of the International Organizations, states and National Human Rights Institutions (hereinafter NHRIs). In this regard I would like to bring to your attention the brief information regarding relevant experience of Azerbaijan NHRI.

Azerbaijan Ombudsman Institute is founded in 2001 and started to function in 2002 after the election of the Ombudsman. As we know, in the period of rapid development of the world economy, science and technologies, the importance of facilities and organizations considered as non-governmental bodies growing promptly both at international and national levels.

Such a development, as well as strengthening of the influence of commercial organizations, in their turn, caused interest to the issue of their human rights related responsibility, served as a background to learning in comparative manner of “human rights” and “business” issues.

From this standpoint particular international organizations, especially United Nations Organization seriously search the problems of the impact of business in realization of human rights, attraction of commercial organizations to responsibility for violation of these rights.

As it is generally known, during the work of the World Economic Forum held in Davos city of Switzerland in 1999, the idea of preparation of code (collection) of global value and principles meeting the demands of the whole world population was put forward. And in 2000, this idea was enshrined in UN Global Compact through “Ten Principles” considering respect, support, follow by business of human rights enjoy universal consensus, also making sure that business does not directly or indirectly allow or participate in violation of human rights.

Global Compact is derived from principles of the Universal Declaration of Human Rights, ILO Declaration on Fundamental Principles and Rights at Work, Rio de Janeiro Declaration on Environment and Development, UN Convention Against Corruption. The Agreement considers on integration voluntary basis of the mentioned ten Principles into the entrepreneurial activities at the international level, stimulating of the actions on wide-range realization of the UN goals on development.

Guidelines on Business from the human rights perspective worked out by the by the UN Human Rights Council on 16 June, 2011, consider fulfilling of the duties by the states

on realization and protection of human rights and fundamental freedoms, observance of legislation demands and respect to human rights by facilities and organizations, at the same time provision of rights and duties using effective remedies in the cases of violations.

The next step forward was the adoption of the “Lima Declaration on Human Rights and Business” as a result of discussions conducted at the international seminar titled “Human Rights and Business at Crossroads: Challenges and Perspectives” organized by FIDH (International Federation for Human Rights) member organizations from Asia, Africa and the Americas meeting in Lima between 9 and 11 July, 2011. Signing member organizations called to the regulation of legal activities of transnational organizations at regional and international levels, involvement of all possible remedies (dialogue, legal resources etc.) to prevention of corporative delinquencies, restoration of rights of victims of human rights violations and reparation of damages to them.

It is important to note that the 10th Conference of International Coordination Committee of the National Institutions on protection and promotion of human rights, that was held in Edinburgh in 2000, and devoted to the biennial outcomes, was devoted to Business and Human Rights. As a result of the conference the Edinburgh Declaration was adopted. The Declaration envisages the importance of National Human Rights Institutions in protection of human rights in enterprise sphere, responsibility upon these organizations on integration of business and human rights issues into their strategies and activities.

The Edinburgh Declaration considers strengthening of the mandate of NHRIs in promotion and protection of human rights in the frames of Paris Principles, expanding their activities, increasing of joint efforts in cooperation with NGOs and civil society.

The Ombudsman always pays important attention to the Business and human rights, continues the cooperation with the government bodies, local non-governmental organizations for the purpose of taking joint measures in the field of monitoring of the situation, finding and elimination of deficiencies.

The cooperation of the Ombudsman with the international bodies was efficient too. The proposals and recommendations on serving to strengthening of the employer-employee relations of the Commissioner were expressed and information was given about the events implemented in these events.

The Ombudsman, on regular basis, organizes meeting with the members of the Working Group on Business and Human Rights, for discussion of implementation of joint activities in the field of monitoring of current situation, in finding and elimination of shortcomings. During such meetings the Ombudsman attracted the attention to the problems on “Business and human rights”, the importance of the mutual cooperation with the government bodies, civil society organizations and international organizations as well as protection of human rights during entrepreneurship activities.

In order to provide employment of refugees and internally displaced persons (IDPs) in the areas of their settlements, the Commissioner proposed preparation and implementation of perspective plan of actions by relevant organizations aimed at their involvement to small entrepreneurship, profit gaining and agriculture activities. And as implementation of measures enshrined in the Decree of the President of the Republic of Azerbaijan dated July 1, 2004, the “State Program on improvement of living conditions and increasing employment of Refugees and Internally Displaced Persons”, as well as in the amendments to this document dated 31 October, 2007 and 21 February, 2011, were provided.

I would like to note that, as a result of the referendum on March 18, 2009, aimed at making amendments to the Constitution of the Republic of Azerbaijan the following provisions were added to the Article 17 of the Constitution: children deprived of parental

care are under the protection of the State; prohibition of involvement of children in activities that may cause threat to their lives, health, and morality; that children under the age of 15 may not be employed for work as well as, the provision on State control over implementation of children's rights.

Besides our country has joined to several conventions of the International Labor Organization, as well as to the ILO "Convention Concerning the Prohibition and Immediate Action for the Eliminations of the Worst Forms of Child Labor".

The topic of protection of child rights, including prevention of child labor using, provided in the "National Program for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan" is widely discussed in the public hearings conducted by the Ombudsman embracing all cities and regions of Azerbaijan.

The Commissioner proposed preparation and adoption of national conception and targeted state programs in order to ensure employment in the country and according to the relevant Decree of the President of the Republic of Azerbaijan the "Employment Strategy of the Republic of Azerbaijan" for 2006-2015 years was approved.

The Commissioner proposed ratification of the ILO Convention concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities (No. 156) and Maternity Protection Convention (No. 183) and these documents were ratified by our country.

At the same time the Commissioner prepared and submitted complementary report to the relevant Committee of the UN in connection with the International Covenant on Economic, Social and Cultural Rights.

New development strategies rapidly took important place in the states' agenda after adoption of the Sustainable Development Goals. As it is known that in the Summit at the United Nations Headquarter in New York from 25-27 September 2015, the Heads of member States decided on new global Sustainable Development Goals which include 17 Goals and 169 targets. The most of the targets directly or indirectly are linked to the development of business which requires human oriented approach. For instance, the target 8 of the SDGs is about the "Decent work and economic growth" which shows that the real economic growth can not be considered without human rights oriented approach. That's why we see the significant role of NHRI in this issue. In the Special Event with National Human Rights Institutions on the occasion of the European Development Days (EDD15) which was held in Brussels on 3-4 June, 2015, this issue once again emphasized by the world community. During above mentioned events the representation of the Azerbaijan NHRI spoke about the activities of the Ombudsman in the field of business and human rights and brought to the attention the priority directions of Azerbaijan NHRI in business and human rights which are based on the experience gained as a result of the activities in this sphere:

- Conduction of joint monitoring by the Confederation of Trade Unions and the Ministry of Labor and Social Protection of Population in working places, especially in private organizations in order to effective protection of labor rights of workers;
- Conduction of enlightening events on the importance of concluding labor contract in order to eliminate the cases of violation of workers' rights involved in (working in) private organizations;
- Carrying out of the work for improving the Labor legislation by bringing it into conformity with international documents;
- Promotion of adoption of the Competition Code;

- Promotion of involvement of the Ombudsman and entrepreneurs to the process of improvement of tax legislation;
- Monitoring of the execution of current taxation legislation;
- Promotion of adoption by business structures of the child strategies in order to eliminate the cases of exploitation of child labor;
- Promotion of joint cooperation of business structures with the civil society institutions, mobilization of human resources;
- Promotion of consideration of ecological requirements in the activities of business structures;
- Promotion of acceptance of collective agreement in business structures;
- Creation by entrepreneurs of relevant conditions for convicted persons in order to support their rehabilitation and reintegration into the society;
- Organization by entrepreneurs of healthy work environment for employees (for workers);
- Strengthening of measures on elimination of cases of discrimination in Labor Law relations;
- Realization of activity in elimination of corruption cases;
- Realization of relevant measures in order to protection of consumer's rights, strengthening of the control over the quality of goods and services (expansion of production of ecologically clean food productions).

In conclusion I would like to mention that the strengthening of the state control over the entrepreneurs' activities without limitation of their rights, monitoring of the situation with observance of human rights, demanding of relevant information from entrepreneurs if required, applying the measures on coordination of entrepreneurs and civil society would make important contribution to the work in the field of business and human rights.
