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Consejo de Derechos Humanos

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Tema 3 de la agenda

**Promoción y protección de todos los derechos humanos,
civiles, políticos, económicos, sociales y culturales,
incluido el derecho al desarrollo**

Comunicación escrita del Comisionado de Derechos Humanos (Ombudsman) de Azerbaiyán*

Nota de la Secretaría

La Secretaría del Consejo de Derechos Humanos transmite adjunta la comunicación presentada por el Comisionado de Derechos Humanos (Ombudsman) de Azerbaiyán**, que se reproduce a continuación de conformidad con el artículo 7 b) del reglamento que figura en el anexo de la resolución 5/1 del Consejo, según el cual la participación de las instituciones nacionales de derechos humanos se basará en las disposiciones y prácticas convenidas por la Comisión de Derechos Humanos, incluida la resolución 2005/74, de 20 de abril de 2005.

* La institución nacional de derechos humanos tiene la acreditación de la categoría “A” ante la Alianza Global de Instituciones Nacionales de Derechos Humanos.

** Se reproduce en el anexo como se recibió, en el idioma en que se presentó únicamente.

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Anexo

[Inglés únicamente]

Submission by the Azerbaijan: Human Rights Commissioner (Ombudsman)

The Statement of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan on the Right to Development

The development is a comprehensive process embracing various fields of life and it is a continuous improvement of welfare of individuals and population in a whole and obvious display of measures undertaken by states at different levels for improvement of particular spheres of society, well-being of population. One of the most important sides of development is economic development – affecting entire life it opens wide opportunities for further improvement.

The right to development envisages full sovereignty over all their natural wealth and resources, active participation of a human being himself as main beneficiary in the process of development, creation of equal opportunities and favorable environment for realization of other rights. States were declared main responsible subjects for creation of national and international environment fit for realization of the right to development. Right to development like all other human rights belongs to all individuals and peoples, everywhere, with no discrimination and with their participation. All these have been provided in the Declaration on the Right to Development adopted by the UNGA on 4 December 1986.

Azerbaijan is now among the rapidly developing countries. The result of purposeful state policy, adopted state programs, action plans was increasing positive indicators in economic, social, cultural and other spheres. Holding major reforms for development the country became a leader in economic processes and political stability and the most dynamically developing country in South Caucasus region, post – Soviet space, and a leader in competitiveness among the CIS states. Successful application of national development model basing on achieving targeted goals, consecutive socio-economic reforms, improvement of legislation, building a civil society, legal statehood became basic factors accelerated development in Azerbaijan.

This is an evident fact that achieved economic development creates solid basis for social development, socio-economic stability and their strengthening. Being a multi-vectored influence factor, it stimulates enhancement of many other fields, including the situation with human rights, attainment of elaboration in this sphere.

The country is UN equal sovereign member-state and ratified two Covenants - International Covenant on Civil and Political Rights (ICCPR, 1966) and International Covenant on Economic, Social and Cultural rights (ICESCR, 1966). Serious measures were undertaken in the country from human rights promotion and protection standpoint, including the right to development, as well as of human rights of all strata of population based on the significant international documents.

Numerous state programs and legislative acts have been approved and successfully implemented and they are directly linked with the right to development. “State Program on poverty reduction and sustainable development in the Republic of Azerbaijan for 2008-2015”, “National Strategy on development of the education in the Republic of Azerbaijan”, “State Program on socio-economic development of regions of the Republic of Azerbaijan

for 2014-2018 years”, “State Program on the development of demography and population growth in the Republic of Azerbaijan”, “State Program on development of the industry in the Republic of Azerbaijan for 2015-2020”, “Youth Development strategy for 2015-2025 years” etc. contribute to realization of this right in the country from its various aspects.

“Azerbaijan 2020: Look into the future” Development Concept is among the significant documents noticeably contributing to successful realization of the right to development. Development of non-oil sector, informational and communicational technologies, human capital, family, youth potential, sport, civil society, balanced development of regions and others are comprehensively shown in it and being realized.

Unemployment decrease and poverty reduction were achieved due to successful implementation of these programs and strategies, state’s economic stability is sustainable. Azerbaijan left the group of countries with “average human development” and entered the group with “high human development” (UNDP Report on Human Development, 2010). Economic development, increasing of the population’s income is among the main priorities of the state economic policy targeted at balanced development of all districts of the republic.

The Constitution of the Republic of Azerbaijan (1995) recognizes itself this right. Thus, the Article 15 states that “Development of economy based on various forms of property in the Azerbaijan Republic is aimed to prosperity of people. Based on market relationships the Azerbaijani state creates conditions for development of a socially oriented economy, guarantees free business activity, prevents monopoly and unfair competition in economic relations”. This displays state’s duty in realization of the right to development that is not only individual but also is enjoyed by the entire population. The Article 16 shows that the state takes care about improvement of prosperity of all people and each citizen, their social protection and proper living conditions and participates in development of culture, education, public health, science, arts, protects environment, historical, material and spiritual heritage of people.

All the abovementioned continuous positive results have been targeted and achieved not always in the situation of political stability that is an important ground for development. The Armenian-Azerbaijan Nagorno–Karabakh conflict still remains the main obstacle for full economic, political, social, cultural development of not only a country but entire region, the main hindrance for efficient realization of all rights and freedoms all over the country, including the highlighted right to development. The Armenian policy of aggression and occupation of the Azerbaijani lands stays on the root of this conflict. Dozens thousands of civil population – from different nationalities and religious belief, mainly young persons, women, children, persons with disabilities and others became the victim of the war. Their rights were grossly violated. The UN with up to 200 member-states recognizes the territorial integrity of Azerbaijan, repeatedly raised the issue of withdrawing the Armenian armed forces from those territories, restoration of the territorial integrity of Azerbaijan, but more than 25 years, as a result of Armenia’s ethnic cleansing and occupation policy, more than one million of our compatriots are forced to live as refugees and internally displaced persons deprived of enjoying even their basic rights. The resolution of this conflict would be a key issue in peaceful sustainable development not only of Azerbaijan but of the region in whole.

Despite this continuous occupation, gross damage to the state economy Azerbaijan was able to overcome many challenges and became strong and stable as a result of state policy and to establish convenient environment for attainment of political stability followed by economic growth, increasing the state budget, welfare indicators of population, bettering the situation with promotion and protection of human rights. This became a result of purposeful, coherent and planned adoption of documents and acts of strategic importance.

The Decree of the President of the Republic of Azerbaijan “On the Actions in Provision of Human Rights and Freedoms” (1998), the Order on “Approval of the State Program on the Protection of Human Rights” (1998) assume high importance and are first strategic documents in improving the democratic governance, dynamic and continuous reforms, adoption of the new legislative acts and norms, as well creation of the institutions and mechanisms for their implementation.

The State Program considered the establishment of the Ombudsman Institute in Azerbaijan – a serious step forward in the field of improvement situation with human rights protection. The establishment of the Ombudsman Office became a logical continuation of legal reforms conducted towards creating democratic institutions and serves to ensuring rights and freedoms of population, as well as the right to development alongside with the other scope of rights.

According to the Constitutional Law on the Commissioner for Human Rights, the Ombudsman examines complaints on violations of human rights from citizens of the Republic of Azerbaijan, foreigners and stateless persons, as well as legal entities. The Commissioner protects the rights of persons under the jurisdiction of this country regardless race, language, religion, sex and citizenship.

The Commissioner prepares and submits regular reports to the relevant UN Treaty Bodies and under the UPR mechanism.

Two other strategic documents on human rights - National Action Plan on Protection of Human Rights in the Republic of Azerbaijan (2006) and *National Program for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan* (2011), approved by relevant Decrees of the country President, reflect priority directions of increasing efficiency of protection of human rights and freedoms, define duties to be implemented within the framework of competences of state bodies.

The documents enshrine issues like development of legal vision and legal culture of population, prohibition of discrimination, holding awareness-raising events for promotion of peace and tolerance culture, continuation of work towards preserving and developing cultural heritage of ethnic minorities, prevention of aggression, terrorism and human trafficking that threaten human rights and freedoms, any kind of development, organizing national and international events on the topic of enhancing inter-cultural and inter-religious dialogue.

One of the main determinant indicators of development of any country is not only accepting human rights and freedoms, but also promotion of equal opportunities and treatment that everyone can access without any hindrances. This is evidently enshrined in the Declaration on the Right to Development. Ensuring this right is possible not only in the environment of stability and economic growth but also of mutual respect to rights and freedoms, within the society that leads to high spirit of tolerance, multicultural values and collaboration.

Azerbaijan is a unique multinational and multi-confessional society and the country still maintains and develops its multicultural and multiethnic heritage. The state Constitution guarantees the equality of every person before the law and court and prohibits any restriction of human and civil rights and freedoms through discrimination on the ground of ethnicity, nationality, religion, gender, social status, political view and social affiliation.

The country is situated on the historical Silk Road and became a point of different civilizations’ interflow. By the relevant Decree of the country President, 2016 year was declared as a “Multiculturalism Year” in the land where national, ethnic and cultural diversity has been formed for centuries and different nations and confessions coexist at peace, stability and mutual understanding, dialogues and cooperation environment and the key point here is non-discriminative approach in developing of the capacities of any person

in jurisdiction of the country, their inclusiveness into the process of development through creation of equal opportunities for ensuring equal rights. These are obvious examples of faithfulness of state policy to principles of tolerance that is among basic factors stimulating development in the society.

Azerbaijan hosted esteemed events – IV Global Baku Forum and the 7th United Nations Alliance of Civilization (UNAOC) Global Forum under topic “Living Together in Inclusive Societies: a Challenge and a Goal” with participation of more than 4000 representatives from 147 countries.

The importance of Global Forum conducted in Baku, Azerbaijan is unexampled in spreading to world the ideas of the Azerbaijani model of development and multiculturalism and also for promotion of them among other states.

The abovementioned and many other examples and significant international events in Azerbaijan are obvious indicators of successful development, improving the multicultural values in country.

In the situation of current challenges, demographic, social, political problems faced by many countries, severe intolerance leading to terrorism, armed conflicts among national, ethnic communities in particular states and regions, in the environment where the world community aimed to achieve targets envisaged by Sustainable Development Goals, we call world community to learn the historical values of tolerance and multiculturalism traditions in Azerbaijan where various national, religious, ethnic minorities do live in an environment of peace, friendship and collaboration that stimulates further development of the country and surely to spear it as the best practice.

This year we celebrate the 25th independence anniversary of our country where coexistence of national and religious, ethnic groups historically lived in our country will be continued in future and Azerbaijan will strengthen its particular place in the world as a land of multiculturalism, the place where alongside with the other rights and freedoms the right to development is not on a paper but the right that is actually enjoyed by all and in all spheres of life and social being.
