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**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL,
ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING
THE RIGHT TO DEVELOPMENT**

**Information presented by the the Commissioner for Human Rights (Ombudsman) of the
Republic of Azerbaijan¹**

Note by the Secretariat

The Secretariat of the Human Rights Council has received the following communication², which is reproduced below in accordance with Human Rights Council resolution 5/1, Rule 7(b), which states that “Participation of national human rights institutions shall be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005”.

¹ The submitting National Human Rights Institution has “A status” accreditation by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

² Reproduced in the annex as received, in the language of submission only.

ANNEX

Prospects and challenges of realisation of the right to development in the Republic of Azerbaijan

According to the Declaration on the Right to Development, States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development³. Efficient provision and protection of the right to development is of paramount importance to Azerbaijan.

The distinctive feature of the right to development is that its realisation is directly linked to the efficiency of promotion and protection of other human rights, as well as on the general political, economic and social situation in the country. In this regard the main difficulty that Azerbaijan is facing in provision of the right to development is resulting from the on-going armed conflict in the country.

Year 2008 marks twenty year anniversary of the Armenian aggression against Azerbaijan which resulted in violation of territorial integrity and occupation of about twenty per cent of the country's territories, in grave breaches of the Geneva Conventions and gross violation of human rights (including the basic right – right to life). The Khojali genocide of 26 February 1992 is a vivid example of such violations. As an overall result of this war, widely known as the Nagorno-Karabakh conflict, more than 800 settlements were destroyed, and the economy the country incurred losses of over sixty billions USD.

Thus, one of the problems Azerbaijan suffered in the context of war was the huge influx of refugees and internally displaced persons (IDPs). Deprived of their native lands and property these people were forced to live in tent camps, with no infrastructure, without adequate shelter, access to safe drinking water, sanitation, education or healthcare facilities for many years. It is my understanding that once people are evicted from their homes, deprived of their right to health and education, so that even their mere existence and the right to life are put at risk - efforts applied by the government for promotion of the right to development in other sphere will bring less results that desired. Due to the government's efforts all refugees and IDPs have now been moved to special settlements and the last tent camp was closed in December 2007. However, as the Representative of the Secretary General on human rights of the internally displaced persons

³ Declaration on the Right to Development, UN GA Res. 41/128, adopted on: 4 December 1986. Article 3.1.

Mr. Walter Kälin duly noted during his visit to Azerbaijan in April 2007, there is still a lot of room for improvement in the living conditions of these people⁴.

These persons have suffered various human rights violations as a result of military aggression. Declaration on the Right to Development enunciates that States should take resolute steps to eliminate the massive and flagrant violations of the human rights of peoples and human beings affected by situations involving *inter alia* aggression, occupation and threats against national sovereignty, national unity and territorial integrity⁵.

It is my belief that peace is needed urgently in order to address problems of these people properly, and any success we reach in improving their lives will not be full if peace and stability are not ensured. Therefore, we believe that as an “A status” NHRI it is our responsibility to engage in creating of sound peace movement, building of inter-religious and inter-cultural dialogue, involving people into peace building process and promoting culture of peace and tolerance in the country, as well as in the region.

There are several directions in which the Ombudsman Office realises these functions.

The Commissioner encourages adoption and ratification by the government of legal acts on the conflict resolution, on prevention of violence and establishment of peace in the region, as well as monitors conformity of the national legislation with ratified international conventions.

One of the most successful recent developments in this field was adoption of the first National Action Plan (NAP) on Protection of Human Rights in the Republic of Azerbaijan by the 28 December 2006 Presidential Decree. NAP is a powerful instrument for ensuring of peace and human rights protection, since it includes several clauses on elimination of discrimination and promotion of tolerance and peace culture. It is noteworthy that the majority of the recommendations and proposals forwarded by the Ombudsman were included into this Plan.

⁴ See “The UN expert on the human rights of internally displaced persons concludes visit to Azerbaijan”, UN Press Release, 6 April 2007.

⁵ *Supra* note 1. Article 5.

To ensure efficient implementation of the National Action Plan a Working Group was established by the special decree, and the Commissioner will run this Working Group and take the lead in independent monitoring, evaluation and coordination of joint efforts of the state bodies and actors of the civil society for implementation of the NAP. The Working Group and its five sub-groups (corresponding to five areas of focus established by the NAP) have already conducted public hearings in nine regions covering all rural districts of the country. The aims of these hearings were to raise public awareness and discuss the essence of the NAP, its objects and purposes, the main directions of activities as well as perspectives of collaboration and consolidation of all stakeholders for implementation of the Plan. The regional public hearings involved active participation of the members of the Working Group, members of parliament elected from the corresponding regions, representatives of local executive bodies, courts and law-enforcement agencies, municipalities and representatives of the local minority communities, NGOs and mass media.

The Commissioner's Office closely co-operates with the NGOs and civil society actors such as Azerbaijan Alliance for Peace and Development, which is a member of the International Peace Bureau since 1997, and includes such organisations as Women Development Center and Child to Child peace network. Joint events held in this framework are aimed at the development of mutual cooperation and formation peace movement in the country. These events are attended by representatives of state bodies, international organisations, religious communities and NGOs. According to the UN Security Council Resolution 1325, the Ombudsman Office and Azerbaijan Peace and Development Alliance in a view of supporting representation of women in peace processes established close relations with all woman organisations, including members of the "Coalition 1325". A number of trainings, round tables, conferences and exhibitions were organised for increasing the role of women in peace making.

I am not suggesting that peace is the only solution to the problems of development. However for many countries suffering from either ongoing armed conflicts or their consequences, maintaining peace and promoting of tolerance culture is the necessary precondition for protecting people's fundamental human rights and freedoms, including the right to life, as well as ensuring sustainable development and successful poverty reduction actions. It is also crucial to involve women in the development of peace processes, given that they can contribute largely to the achievement of lasting peace.

Thus, the Ombudsman Office is determined to continue work in this direction. I would also like to invite all states, international organisations and the international community to join their efforts to facilitate reaching of peaceful solution of all long term armed conflicts including the Nagorno Karabakh war with the aim to promote the establishment, maintenance and strengthening of international peace and security because durable solutions of problems of human rights, poverty and sustainable development can be achieved only in the conditions of peace and stability.
