**Questionnaire**

**Contribution of development to the enjoyment of human rights**

Development and human rights are interrelated and mutually reinforcing phenomena. Most policy documents focus on well-being of individuals, particularly of disadvantaged groups. Thus, protection of human rights is becoming one of the main objectives of development.

Evidently, poverty is one of the main barriers to full enjoyment of human rights and the factors such as discrimination, inequality and non-participation is factors leading to poverty. Therefore, development documents make special focus on principles such as equality, non-discrimination, participation, accountability in order to achieve poverty reduction.

If a person lacks food, education, or adequate living, he is not free truly even if he has a right to vote, freedom of thought, assembly, etc. Of course, the opposite is also true. Thus, civil, political, social, economic, cultural rights are interdepended and development policy documents should promote empowering each of them.

In order to ensure that development contributes to human rights, human rights perspective should be integrated to each development policy, strategy and program.

Poverty is not just lack of economic resources but a violation of human dignity. human dignity should be at the center of all development documents. Thus, the aim of all development documents should be provision of a decent life for all by ending poverty. However, development activities should go beyond issues of material resources, creating equal and enabling environment for and empowering each person, particularly the most vulnerable to enjoy all human rights, economic, social, cultural, civil and political. Each person without any discrimination should have necessary capacities as well as access to improve his own livelihood and influence his own live. Therefore, the ultimate aim of development documents should be creation of an enabling environment in which each person has a decent life. Only the shift from service-delivery towards capacity building can ensure sustainability of development.

We shouldn’t forget that poverty is rooted in inequality. Therefore, special attention should be paid to people who are marginalized because of their gender, disability, belief, social status, etc.

Furthermore, training of government officials is also very important for developing their human rights capacities and the significance of creating equal opportunities for each individual to reach their potential. Duty bearers should understand that it is impossible to achieve sustainable development without accountability, transparency, inclusiveness and rule of law.

It is also important to take human rights obligations into account at every stage of development process - the identification of needs, designing, as well as implementation, monitoring and evaluation. Target groups who are the most vulnerable strata of the society should be involved in designing and implementation of development affecting their lives.

Special attention should be paid to setting up systems to monitor and evaluate progress to see the impact and outcome of development programs. It is an effective tool to track implementation, to identify the factors that contribute to outcomes and finally measure the effectiveness of the policies.

Summarizing all the factors mentioned above, we can say that economic growth, good governance, social progress are the key engines of development, and It is necessary that all development policies, strategies address these issues in a comprehensive and systematic way.

Due to increasing incomes and improvement of welfare as a result of successful economic policy, poverty rate was cut significantly in Azerbaijan. Several state programs contributing the improvement of welfare of population were adopted in the country.

Like in other countries, the Ombudsman institution which became an integral part of good governance plays an important role in protecting and promoting human rights in Azerbaijan. The mandate of Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan (HRCA) is to restore the human rights and freedoms enshrined in the Constitution of the Republic of Azerbaijan and in the international treaties to which the Republic of Azerbaijan is a party and violated by governmental and municipal bodies and officials of the Republic of Azerbaijan, as well as to prevent violation of human rights in cases envisaged by the Constitutional Law[[1]](#footnote-1).

Moreover, the HRCA fulfills the functions of the national preventive mechanism in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and supervises over execution of duties by the information holding state bodies, municipalities and state officials according to the requirements of the Law of the Republic of Azerbaijan on access to information.

Recently, a Department on Protection of the Right of Access to Information, Department on Cooperation with International Organizations and Civil Society Institutions, as well as a Unit for Protection of the Rights of Persons with Disabilities has been set up at the Ombudsman Office.

HRCA, Ms. Sabina Aliyeva closely cooperates with civil society organizations, human rights defenders, this year several online events were held in this regard.

Since 2013, the HRCA has considered necessary and one of priority issues to analyze and monitor over the implementation of international documents on business and human rights in its activity within its mandate.

HRCA created a Working Group on Business and Human Rights in the premises of the Office. The WG consists of the members of the relevant state bodies and non-governmental organizations (NGOs), including the Trade Unions Confederation, National Confederation of Entrepreneurs (Employers) Organizations and Azerbaijan Woman Entrepreneurs Association. Membership is voluntarily. Parliamentarians, international organizations, relevant government agencies and business enterprises also take part in the WG meetings.

The Working Group introduced the issues like the protection of the rights of children, women, persons with disabilities, labor migrants, consumer rights, corporate social responsibility, food, safety in construction, as well as environmental problems in the context of business and human rights to the 19 Round Tables that has been launched during its activity since 2013 up to 2020.

The proposals made by the Working Group during its meetings, are summarized and submitted to various government agencies, including the Parliament as well as have been incorporated into the Commissioner Annual Reports. Most of those proposals have been considered during the implementation of the State Programs.

Another major task of the Working Group is to take the necessary measures for the implementation of the UN Guiding Principles on Business and Human Rights (UNGPs) and other international instruments in this field. HRCA took the initiative and translated into the Azerbaijani language not only this international document, but also the UN Global Compact, 2010 Edinburgh Declaration and distributed them among the Working Group members and placed on the HRCA’s official website.[[2]](#footnote-2)

Taking account of the provisions of the UNGPs, Women’s Empowerment Principles, Children’s Rights and business principles and other international documents in this field, HRCA proposed adopting a separate State Program on Business and Human Rights or including a special part on business and human rights to the existed national action plans and programs to realize the implementation of them at the national level. The appropriate works in this area is underway.

Another direction of the activity of the HRCA is holding public awareness events. HRCA organizes awareness raising events on voting rights all over the country, moreover, last year HRCA and the staff of her Office observed parliamentary and municipality elections in an independent manner.

At present we are working on expanding the mandate of HRCA on ensuring the equality and combating discrimination. Within the framework of the project with CoE, capacity building trainings are being held for the staff of the HRCA Office on discrimination.

Analyzing the complaints received, the Ombudsman makes recommendations which aim not only to solve the specific problem of a citizen but also to address more systemic problems to improve the quality of public administration.

Besides the mandates mentioned above HRCA makes recommendations to amend legislation or to adopt new ones in the framework of the monitoring of the implementation of ratified international instruments relating to human rights and fundamental freedoms and of the harmonization of national legislation with these instruments. Furthermore, the Commissioner contributes to development of different state programs, plans, strategies for integrating human rights perspective. HRCA supervises and coordinates the implementation process of the national action plan and program on human rights and held public hearings across the country with participation of various stakeholders. HRCA took active part in designing of the State Program on Poverty Reduction and Sustainable Development for 2008-2015.

Recently, the draft National Action Plan for the Protection of Human Rights and Freedoms for 2020-2024” harmonized with Sustainable Development Goals was developed by the Working group consisting of the staff of Ombudsman Office submitted to the Government for consideration.

Moreover, Azerbaijani Ombudsman is also a member of a National Council on Implementation of Sustainable Development Goals and contributes to the implementation of the SDGs through its mandated functions.

1. https://ombudsman.az/en/view/pages/62 [↑](#footnote-ref-1)
2. https://ombudsman.az/az/view/pages/170 [↑](#footnote-ref-2)