



**Permanent Mission  
of the Republic of Azerbaijan  
to the UN Office and other  
International Organizations**

**GENEVA**

Ref: 0165/12/22/23

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and with reference to the latter's request dated 9 February 2022, has the honour to transmit herewith the information of the Government of the Republic of Azerbaijan for the report on the implementation of the General Assembly resolution 75/186, in particular on the obstacles encountered by Member States in this regard, as well as on best practices in the work and functioning of Ombudsman and mediator institutions, to be submitted by the UN Secretary-General to the General Assembly, at its seventy-seventh session.

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 4 April 2022

Enclosure: 7 pages

**Office of the United Nations  
High Commissioner for Human Rights  
GENEVA**

## QUESTIONNAIRE TO MEMBER STATES

### The role of Commissioner and mediator institutions in the promotion and protection of human rights, good governance and the rule of law

#### Background

Pursuant to paragraph 9 of General Assembly resolution 75/186 (attached), requesting the Secretary-General to report on the obstacles encountered by Member States in implementing this resolution, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has the honour to share the hereunder questionnaire, in order to seek the views of Member States in this regard.

As requested in paragraph 9, the results of this survey will be reflected in the Secretary-General's report to the seventy-seventh session of the General Assembly.

#### Questionnaire

- 1) **If there is a National Human Rights Institution (NHRI) accredited by the Global Alliance of National Human Rights Institutions (GANHRI) in your country, have you established any other Commissioner or mediator institutions at the national, regional or local level?**

There is one national human rights institution – the Commissioner for Human Rights (Ombudsman) in Azerbaijan. The establishment of the institution of the Commissioner for Human Rights was first envisaged in the Decree of the President of the Republic of Azerbaijan dated 22 February 1998 “On measures to ensure human and civil rights and freedoms”. Also, the “State Program on Protection of Human Rights” approved by the Decree of the President of the Republic of Azerbaijan dated June 18, 1998 envisages the establishment of the institution of the Commissioner for Human Rights. On December 28, 2001, the Milli Majlis of the Republic of Azerbaijan adopted the Constitutional Law “On the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan”, and on March 5, 2002, the President signed a Decree on the implementation of this Law. The first Commissioner of the Republic of Azerbaijan was elected by the Milli Majlis on July 2, 2002. Institute of the Commissioner for Human Rights of the Republic of Azerbaijan was accredited by GANHRI in 2006 and 2012.

- 2) **In this is the case, have you considered merging these non-accredited institutions with the accredited NHRI in order to have one strong institution in full compliance**

with the principles relating to the status and functioning of national institutions for protection and promotion of human rights (the Paris Principles)?

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- 3) If you have not considered merging these non-accredited institutions with the accredited NHRI, please explain the reasons why you consider it necessary to have them separate.

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- 4) If your country has only non-accredited Commissioner or mediator institutions, have you considered establishing an NHRI in full compliance with the Paris Principles, as required by Indicator 16.a.1 of Sustainable Development Goal (SDG) 16?

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- 5) If your country has Commissioner or mediator institutions, have you endowed them with an adequate constitutional and legislative framework, as well as financial and all other appropriate means, in order to ensure the efficient and independent exercise of their mandate and to strengthen the legitimacy and credibility of their actions as mechanisms for the promotion and protection of human rights, the advancement of good governance and respect for the rule of law?

The activity of Commissioner is regulated according to the Constitutional Law on the Human Rights Commissioner (Ombudsman) of the Republic of Azerbaijan.  
According to this Law the activities of the Commissioner does not restrict and substitute the competence of other governmental bodies ensuring the protection of and restoration of violated human rights and freedoms.  
The Commissioner may submit:  
- motions to the President of the Republic of Azerbaijan with regard to granting pardon, citizenship and political asylum by this Law.

- motions to the Milli Majlis with regard to the adoption or review of laws with a view to ensuring human rights and freedoms.

- motion to the Milli Majlis with regard to declaring amnesty.

The Commissioner may examine complaints on violations of human rights relating to red tape, loss of or delayed delivery of documents in courts as well as delays in the execution of court judgments. The activities of the Commissioner are based on the principles of publicity, transparency, legality, justice, and impartiality.

The Commissioner receives a salary equal to that of the First Vice-Chairman of the Milli Majlis, is exempted from military service and periodical military training, owns a diplomatic passport during his or her term of office.

The Commissioner shall be given leave as provided for in the legislation of the Republic of Azerbaijan. On taking a leave, the Commissioner shall be given an allowance in the amount of his or her 2 months' salary for the purposes of medical treatment and recreation.

The Office of the Commissioner staff is appointed and dismissed by the Commissioner. Rights, duties and responsibility of the Commissioner Office staff is determined in accordance with the Labour Code of the Republic of Azerbaijan, the Law "On State Service" of the Republic of Azerbaijan and other legislative acts of the Republic of Azerbaijan. The work of the Commissioner and his or her Office is financed from the State budget.

**6) Have you taken the appropriate steps to ensure that adequate protection exists for Commissioner and mediator institutions against coercion, reprisals, intimidation or threat, including from other authorities, and that these acts are promptly and duly investigated and the perpetrators held accountable?**

According to the Constitutional Law on the Human Rights Commissioner (Ombudsman) of the Republic of Azerbaijan, the Commissioner is independent and obey only the Constitution and laws of the Republic of Azerbaijan. The Commissioner cannot be replaced, while in office, enjoys immunities, it is inadmissible to interfere with his or her activities by any governmental or municipal body or official, provided with financial and social guarantees. Declaration of a state of emergency or martial law does not cease or restrict the activities of the Commissioner.

The Commissioner is inviolable while in office and then cannot be subjected to criminal or administrative proceedings, search, and examination, cannot be arrested or detained, save in cases where he or she was caught red-handed. In a case, where the Commissioner is caught red-handed, the body that has arrested the Commissioner, shall, within 24 hours, inform the Milli Majlis and the Prosecutor-General of the Republic of Azerbaijan.

The inviolability of the Commissioner may be terminated only on a decision of the Milli Majlis taken by 83 votes majority following a motion of the Prosecutor General. The inviolability of the Commissioner extends also to his or her home, service premises, means of transport and communication, correspondence, private property and documents.

Any former Commissioner remains inviolable for the activities conducted and the opinions expressed while performing the powers of Commissioner. Criminal or administrative proceedings with regard to offences committed by the Commissioner in that period is carried out as provided for in Art. 6.3 of the present Law.

Persons guilty of impeding the work of the Commissioner bear responsibility in accordance with the legislation of the Republic of Azerbaijan.

- 7) **Have you ratified the OPCAT and/or CRPD? In that case, have you assigned non-accredited Commissioner or mediator institutions with the role of national preventive mechanism under OPCAT, and/or national monitoring mechanism under CRPD? In doing so, have you taken into account the Paris Principles, as per art. 18.4 of OPCAT and art. 33.2 CRPD?**

Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) was signed by Azerbaijan on 15 September, 2005 and was ratified on 02 December, 2008. Since the official publication of the noted Law - 15 January, 2009, OPCAT entered into force in relation to Azerbaijan. On the same date, the National Preventive Mechanism (NPM) functions were designated to the Commissioner by the relevant Presidential Decree.

National Preventive Mechanism operates in accordance with the Paris Principles. The Commissioner, as an institution performing the functions of the NPM, is independent and subject only to the Constitution and laws of the Republic of Azerbaijan.

In order to implement the functions of the NPM, a National Preventive Group was established in the Office of the Commissioner. Members of the National Preventive Group have the right at any time, without hindrance and without prior notice, to enter places where persons cannot leave voluntarily, to meet with detainees and to obtain the necessary information.

Obstruction of the National Preventive Mechanism is sanctioned by law. Thus, according to the Constitutional Law on the Commissioner for Human Rights of the Republic of Azerbaijan, persons guilty of obstructing the activities of the Commissioner are liable under the legislation of the Republic of Azerbaijan.

A member of the NPG may not be compelled to testify about the facts known to him in connection with the performance of his functions or to disclose these facts in any other way. This guarantee remains in force after a member of the National Preventive Group leaves the group.

A member of the NPG may not be detained or detained, searched or subjected to personal search while performing his / her functions in places where detainees cannot leave voluntarily. Seizure, inspection or seizure of mail, telegraph and other items of a member of the National Preventive Group shall not be allowed.

The financial independence of the National Preventive Mechanism is determined by the guarantee provided to the Commissioner by the Constitutional Law as the National Human Rights Institution. In accordance with the relevant requirements of the Constitutional Law, the activities of the Commissioner and his staff are financed from the state budget of the Republic of Azerbaijan. The amount of current expenses in the annual funds allocated for financing the activities of the Commissioner may not be less than the amount provided for this purpose in the previous financial year.

- 8) **Do you develop and conduct, as appropriate, outreach activities at the national level, in collaboration with all relevant stakeholders, in order to raise awareness of the important role of Commissioner and mediator institutions?**

On June 20-21, 2018 an international conference on "The role of national human rights institutions in ensuring and promoting equality" was organized by the Commissioner for Human Rights with the support of the UN Office in Baku and the National Commission of the Republic of Azerbaijan for UNESCO. The conference was dedicated to the 100th anniversary of the Azerbaijan Democratic Republic, the 95th anniversary of national leader Heydar Aliyev, as well as the 70th anniversary of the adoption of the Universal Declaration of Human Rights, and June 18 - Human Rights Day in the Republic of Azerbaijan.

On March 15, 2021, an event on "The role of the Ombudsman Institution in protecting the rights of persons with disabilities" was jointly organized in Ganja by the Commissioner for Human Rights (Ombudsman) and the Society of Women with Disabilities with the participation of citizens with disabilities.

In November 2021 trainings on "The role of the Ombudsman in promoting good governance" were held for government agencies and civil society institutions with the support of the German Society for International Cooperation (GIZ) and the Office of the Commissioner in Guba, Shaki, Lankaran and Ganja.

The Commissioner submits the Annual Report to the state authorities, namely the President, Parliament, Cabinet of Ministers, and Constitutional as well as Supreme Court and to the Prosecutor General in accordance with Article 14 of the Constitutional Law on Ombudsman. The Annual Report reflects the Commissioner's activity for the restoration of human rights and freedoms provided by the Constitution of the Republic of Azerbaijan and treaties to which Azerbaijan is a party, violated by the state, local self-governing bodies and officials, the prevention of violation of human rights and freedoms, the outcomes of legal awareness and scientific analytical work, international relations, as well as proposals and recommendations aimed at effective ensuring of human rights and freedoms.

- 9) **Did you encounter any obstacles in the implementation of resolution 75/186 'The Role of Commissioner and mediator institutions in the promotion and protection of human rights, good governance and the rule of law' adopted by the General Assembly in December 2020?**

No, such cases have not been registered.

- 10) **Please share best practices on the work and functioning of Commissioner or mediator institution, including during the COVID-19 pandemic, individually or in collaboration with OHCHR, GANHRI, the International Commissioner Institute and other international and regional Commissioner networks.**

As part of the "Children's Rights Month" announced by Commissioner's Office, an online event was organized dedicated to November 18 - European Day for the Protection of Children from Sexual Exploitation and Sexual Violence. The event was attended by students and teachers of Binagadi and Nasimi district schools of Baku, as well as representatives of the executive power.

The regional centers of the Commissioner for Human Rights (Commissioner) of the Republic of Azerbaijan have organized events dedicated to December 1 - World AIDS Day. The Commissioner's Ganja, Guba, Shaki and Jalilabad Regional Centers organized legal awareness events dedicated to December 3 - International Day of Persons with Disabilities. On December 10, 2021, a presentation of an e-book based on the UN Convention on the Rights of the Child, translated into sign language, dedicated to the International Human Rights Day, was held on December 10, 2021 with the participation of project partners under the motto "Strong and happy with our rights."

On February 3, 2022 the Commissioner Sabina Aliyeva and the Head of the United Nations (UN) Office in Azerbaijan Vladanka Andreeva signed a Memorandum of Understanding on cooperation. According to the Memorandum of Understanding, joint projects in the field of education and awareness in the field of human rights, further expansion of relations with UN human rights mechanisms, evaluation and implementation of recommendations within these mechanisms, strengthening the institutional capacity of the Commissioner, development of national human rights strategies. Measures will be taken to support the implementation of the Framework Document on Sustainable Development Cooperation between the UN and Azerbaijan for 2021-2025.

On February 14, 2022, the members of the National Preventive Group visited the temporary detention facility of the Main Department of Preliminary Investigation of Tax Crimes of the State Tax Service without prior notice. Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Constitutional Law on the Commissioner for Human Rights (Commissioner) of the Republic of Azerbaijan and the Rights and Freedoms of Detainees. The purpose of the visit was to study the conditions of detention in the SSY, the rights of detainees and the state of documentation.

In March 2022, the Commissioner prepared report based on the relevant evidence, evidence and materials obtained during the fact-finding mission on war crimes committed by Armenia during the First and Second Karabakh Wars, violations of international law and international humanitarian law. The report covers the mass and deliberate destruction of cemeteries belonging to Azerbaijanis during the Armenian occupation, desecration of graves and the dead, looting of tombstones, as well as landmines and other visual incidents among people visiting graves. The report was sent to international organizations, foreign ombudsmen, as well as other international organizations involved in the protection and promotion of human rights.

The Commissioner addressed a public appeal to state and local self-government bodies, officials, as well as business entities to effectively implement the social and legal protection of persons with disabilities in the context of the COVID-19 pandemic. The Appeal also

covered the global call of the UN Special Rapporteur on the Rights of PWDs to protect this category of persons, made during the global outbreak of the COVID-19 pandemic.

Bearing in mind the situation with a new type of COVID-19, the Commissioner proposed the parole of prisoners with special needs, and therefore, she appealed the Ministry of Justice in this regard.

At the time of the COVID-19 pandemic, at the initiative of the European Network of National Human Rights Institutions' (ENNHRI) Working Group on Protection of the Rights of Persons with Disabilities webinar on "On-site monitoring of the rights of PWDs during the COVID-19 pandemic" was organized. The activity of the Commissioner was considered a good practice.

The Commissioner also issued a special call related to the protection of rights of migrants and children and addressed to the relevant governmental bodies to pay special attention to ensuring their urgent needs.

The videoclips under the mottos "Stay at home - Be healthy!" and "We are strong together" were produced and "Stay at home", "We are strong together" hashtags were brought to and posted on the official website, Facebook, and Twitter platforms of the Commissioner and the media in a view to promoting lockdown rules in response to the COVID-19 pandemic.

**11) Please provide any additional comment you may have.**

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**Deadline for submission of responses to the questionnaire:**

**09 April 2022**

Filled questionnaires should be submitted via email to the following address:  
[maria.navarroblanco@un.org](mailto:maria.navarroblanco@un.org), [cynthia.guerrero@un.org](mailto:cynthia.guerrero@un.org) and [leselle.lugon@un.org](mailto:leselle.lugon@un.org)

We thank you for your contribution.