



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

GENEVA

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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 13 December 2018, has the honour to transmit the information by the competent authorities of the Republic of Azerbaijan with regard to the preparation of the report by the United Nations High Commissioner on Human Rights, as requested in the resolution 39/7 on Local Government and Human Rights.

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.

Enclosure: 4 pages



Geneva, 8 February 2019

Office of the United Nations
High Commissioner for Human Rights
GENEVA

INFORMATION

*regarding the
UN Human Rights Council resolution 39/7
on Local Government and Human Rights*

After restoring its historic independence, the Republic of Azerbaijan has taken the path of democratic development. Azerbaijan, joining the conventions adopted within the framework of the UN, CoE and other prominent international organizations, including the European Charter of Local Self-Government, has created enormous opportunities for democratic reforms as well as the development of local democracy.

It shall be noted that over 20 laws and over 100 normative legal acts directly regulating the organization and operation of municipalities have been adopted. During the development of draft normative-legal acts, national associations of municipalities and municipalities have been involved in this process, opinions and proposals of municipality members regarding current problems and its solutions have been taken into account.

Article 146¹, added to the Constitution by the 26 September 2016 Referendum, stipulates that municipality servants shall bear civil responsibility for the damage caused to human rights and liberties, as well as the guarantees thereto, in the result of the activity or inactivity committed by municipality servants, contradicting the legislation; thus ensuring the rule of law in local self-government.

Also, in the “Azerbaijan 2020: Look into the Future” Development Concept, which identifies strategic goals of Azerbaijan’s future development, issues such as capacity building of municipalities and training of specialized human resources in the field of municipal administration have been set as the priorities before us.

“The National Program for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms in the Republic of Azerbaijan” was approved by the Executive Order of the President of the Republic of Azerbaijan, dated 27 December 2011 numbered 1938, with the aim of raising effectiveness of protection of human rights and freedoms, promoting legal culture in the society and ensuring sustainability of activities to improve the regulatory and legal framework and the human rights protection system. Paragraph 4.13 of the National Action Program envisages ensuring the study of international instruments on human rights, in particular the European Convention on Human Rights by the members of municipalities. Implementation of this Program stimulated the expansion of measures in the field of human rights protection and created conditions for more purposeful conduct of this work.

Exceptional importance in the development of local democracy holds the application of the Republic of Azerbaijan Law “On Public Participation”, dated 22 November 2013 numbered

816-IVQ, should be noted. This Law enshrines public supervision over the work of local self-government organs as well as state bodies, ensuring publicity and transparency, etc. Execution of the “2016-2018 National Action Plan on Promotion of Open Government”, approved by the Presidential Order dated 27 April 2016 numbered 1993, has played a significant role in expanded application of open government principles, application of new corruption prevention mechanisms, transparent recruitment into municipal service, improvement of ethical conduct within the municipalities, and increasing the professionalism of municipality members and servants.

Paragraph 9.3.1 of the Action Plan of the “Strategic Road Map for production and processing of agricultural products in the Republic of Azerbaijan”, approved by the Presidential Decree dated 6 December 2016, covers support to municipal initiatives regarding social and economic development of rural areas, preparation of the action plan related to more active municipal involvement in this field, establishment of the rural development model on the basis of selecting pilot rural municipalities and measures related to the promotion of this model, with the Ministry of Justice determined as the main executor. A lot of work has been carried out to execute the said Paragraph; currently, the work on creating a rural development model is being conducted on the basis of pilot municipality selection.

In the Action Plan of the “2019-2023 State Program for the development of Azerbaijani Justice”, approved by the Presidential Order dated 18 December 2018 numbered 819, the Ministry of Justice was tasked with strengthening human resources potential of local self-government organs, involving employees of the local self-government offices in courses, trainings and programs at the Academy of Justice, organizing international practice exchange with local self-government organs of foreign countries in order to increase the professionalism of municipality members and servants.

In the “2019-2023 State Program on Socio-Economic Development of Regions of the Republic of Azerbaijan, approved by the Decree of the President of the Republic of Azerbaijan dated 29.01.2019, numbered 500, municipalities have been tasked with the implementation of measures regarding development of different types of tourism in the regions, including rural green tourism, ethno tourism, eco-tourism, winter tourism, trans-boundary tourism and so on., as well as organisation of ecological awareness among population regarding socio-economic development.

In accordance with Article 144 of the Constitution of the Republic of Azerbaijan and Articles 4, 5 and 6 of the Law “On Status of Municipalities”, local social protection and social development, local economic development, adoption and execution of local ecological programs shall be within the competences of municipalities.

According to Article 3 of the Law “On Status of Municipalities”, citizens of the Republic of Azerbaijan shall implement their right to self-government in the municipal areas of their

residence through municipal elections, direct expression of their will, public opinion survey, expression of independent views, proposing of motions and in other forms. Municipalities, municipal bodies and their officials shall be obliged to provide each citizen with possibility to get acquainted with the documents and materials directly related to human and civil rights and liberties, and unless otherwise specified in the law, with full information on municipal activities, as well as to fulfill the mandate given them by voters.

According to Article 1 of the Model Statute “On Neighborhood Committees of Municipalities”, approved by the Republic of Azerbaijan Law dated 8 May 2001, neighborhood committees of municipalities are voluntary unions established by citizens at their initiative in the place of residence aiming to assist in matters within the competence of municipalities. Neighborhood committees perform activities such as filing motions with the municipalities on matters of local significance, organizing civil assembly on matters of local significance, initiating municipal acts on matters of local significance and discussing such draft acts at open meetings among the population, assisting in development of population’s initiative and self-government experience, and other competences.

It shall be noted that for the purpose of financial assistance to municipalities, the State allocates subsidies annually. For the first time ever the Law “On the 2019 State Budget” included allocation of subsidies for municipalities, which is very significant in terms of improving the employment of the population and development of municipal entrepreneurship.

Ensuring rule of law in the work of municipalities requires wide preventive and awareness-raising measures. The Ministry conducts successive and planned measures aimed at the work quality of local self-government members and servants, and their education.

The Academy of Justice and the Academy of Public Administration organize training courses every year. Joint training programs of the Center for Work with Municipalities of the Ministry of Justice and the national municipality associations are being prepared and executed; also, trainings and seminars are being organized.

Thus only in 2018, 249 awareness-raising events took place throughout the country and 9825 municipality members and servants participated in therein.

In addition, the work of methodic assistance for municipalities is kept in the center of attention. During the year, 15 methodic materials and recommendations were prepared and sent to the municipalities for use. For example, the “Involvement of municipalities in the Organization of Local Tourism” book, prepared together with the German Society for International Cooperation (GIZ), was printed and distributed among the municipalities; lectures were given on the importance of local tourism and the role of municipalities in this regard. Moreover, the “Compilation of documents on participation of municipalities in the development of business” was prepared and printed with the financial assistance of the

German Society for International Cooperation; some methodic materials were posted on the Justice Ministry's web-site.

Special importance is attached to cooperation with relevant bodies of the Council of Europe and other international organizations in the direction of local democracy and self-government development. Close cooperation has been established with the German Society for International Cooperation (GIZ) and the Association of Municipalities of the Turkic World in the conduction of awareness-raising events for municipalities. In separate years practices and trainings were conducted for municipality members and servants in Turkey, Norway, Latvia and Germany; and the work continues in this direction.

The gained experience and success of the previous "Local Democracy Week", held annually upon recommendation of the Council of Europe Congress of Local and Regional Authorities, as well as the purpose and goals of the next "Week" were widely discussed and the importance of the local democracy week for municipality administration was emphasized at the 11 October 2018 Conference on the theme of "Participation, awareness-raising and obligations of citizens for the development of local democracy", organized by the Regional Issues Committee of the Parliament of the Republic of Azerbaijan and by the national municipality associations. As a result of the discussions and by the initiative of the national associations, the "Local Democracy Week in Azerbaijan" was organized on 15-21 October.

It shall be noted that municipalities also carry out measures aimed at resolving existing problems of refugees and internally displaced persons. Occupation of 20% of our territory as a result of the Armenia-Azerbaijan Nagorno-Karabakh conflict makes the organization of local self-government in the territories occupied by Armenia impossible; over a million Azerbaijani citizens who became refugees and IDPs have been deprived of the right to self-government.

Recommendation 419 (2018) and Resolution 431 (2018) were adopted based on the "Voting rights at local level as an element of successful long-term integration of migrants and IDPs in Europe's municipalities and regions" report in the framework of the 35th session of the Council of Europe Congress of Local and Regional Authorities held on 6-8 November 2018 in Strasbourg. The amendment to the Draft Recommendation, proposed by the Azerbaijani delegation, which envisages the importance of the right of displaced persons to return to their native lands, was voted to be adopted.