

**IMPLEMENTATION OF THE LAW ON ACCESS TO INFORMATION
IN AZERBAIJAN: THE ACTIVITIES OF THE
COMMISSIONER FOR HUMAN RIGHTS
(OMBUDSMAN) OF THE REPUBLIC OF AZERBAIJAN**





Sabina Aliyeva

Commissioner for Human Rights
(Ombudsman)
of the Republic of Azerbaijan

Access to information

According to Article 50 of the Constitution of the Republic of Azerbaijan, everyone is free to legally seek, receive, impart, produce, and disseminate any information.

On September 30, 2005, the Law of the Republic of Azerbaijan “on Access to Information” was adopted. According to Article 2 of this law, any person is entitled to apply directly or via his (her) representative to the information owner and to choose the type and form for obtaining the information.





OMBUDSMAN

AZƏRBAYCAN RESPUBLİKASININ
İNSAN HÜQUQLARI ÜZRƏ MÜVƏKKİLİ



- On December 28, 2001, the Constitutional Law of the Republic of Azerbaijan “On the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan” was adopted.
- In 2011, amendments were made to the Law of the Republic of Azerbaijan “On the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan” and the Commissioner was given the functions of exercising control over the fulfillment by state bodies, local self-government bodies and officials possessing information of obligations arising from the requirements of the Law of the Republic of Azerbaijan ”on access to information".
- According to new amendments made in 2023, the Commissioner supervises the fulfillment of the duties of state bodies, municipalities, public legal entities, and their officials arising from the requirements of the Law of the Republic of Azerbaijan "on access to Information".

The Department for Protection of the Right to Information

In 2020, The Department for Protection of the Right to Information was established at the Office of the Commissioner for Human Rights (Ombudsman) at the initiative of the Ombudsman for the purposes of execution of the mandate and further improvement of the activity set forth in Article 50 of the Constitution, Article 1.3 of the Constitutional Law on the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, as well as the Law of the Republic of Azerbaijan on Access to Information.

The Department operates in cooperation with other structural subdivisions of the office and regional centers of the Commissioner, relevant state bodies, international organizations and civil society institutions.



**Unit on Provision of the Right
to Information**



**Unit on Analysis and
Monitoring.**

Deadlines for the execution of an information request

- Request for information is executed as soon as practicable, but not later than in 7 working days. If additional time is required to prepare the information, the deadline may be extended by another 7 days.
- If this information loses its efficiency in this period, the request should be processed immediately or, if impractical, not later than in 24 hours.
- In cases of a real threat to the life, health or freedom of a person, information that requires a certain time for its search and preparation is provided within 48 hours (excluding non-working days).



How the control over the enforcement of the Law is conducted?

The Commissioner investigates the circumstances reflected in complaints related to the violation of the right to access to information within 10 work days

If the complaint requires specification or additional explanation and documents are needed for investigation of the complaint, the Commissioner, with prior written notice to the complainant, can extend the time of consideration of the complaint for 10 work days.

The Commissioner shall not consider the following complaints:

- If the complaint is not about the activity of the specific information holder.
- If a court decision on a case has entered into force.
- If the complainant does not properly use opportunities for obtaining information created by the information holder.





While investigating circumstances of a complaint related to the violation of the right to obtain information, the Commissioner clarifies compliance of the information holders with the following provisions of the Law of the Republic of Azerbaijan on Access to Information

- Registration of a request for obtaining information;
- Satisfaction of an information request within the period and the method envisaged of the Law;
- Compliance of rejection to execute the information request with the requirements of the Law;
- Accurate and complete fulfillment of the obligation to disclose public information;
- Compliance with the requirements of the law on the creation of information Internet resources;
- Determination of compliance with the law of the restriction on obtaining information

Articles of the Code of Administrative Offenses

Article 371 - Violation of the rules for the use of information resources.

Article 372 - Unlawful restriction of environmental information.

Article 373 - Failure to consider the merits of a request for disclosure of classified information.

Article 374 - Violation of the law on the right to information.

Article 381.2 - Due to illegal interference in the professional activities of journalists

Article 381.3 - Except for the cases defined by Law, restriction of the right of media entities and journalists to obtain information or refusing to provide them with information, or not responding to their request within the period defined by Law

Article 554 - Obstruction of the legitimate activities of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan.



AZƏRBAYCAN RESPUBLİKASININ

**İNZİBATİ XƏTALAR
MƏCƏLLƏSİ**

Department activities

- Enlightening activities
- Responses to information requests
- Handling complaints and ensuring the right to information
- The international cooperation
- Conducting monitoring and analysis
- Making proposals for improving legislation



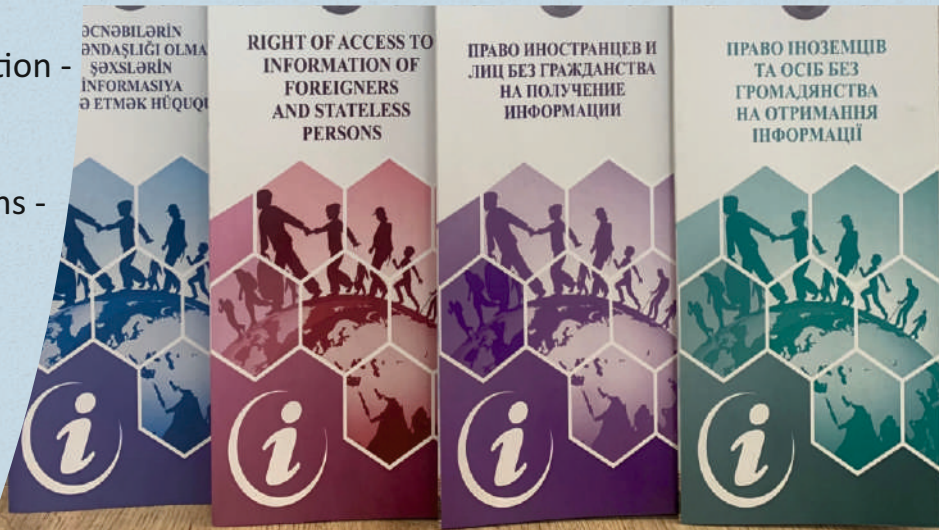
Educational activities of the department

Booklets :

- For citizens - "Learn about our right to information"

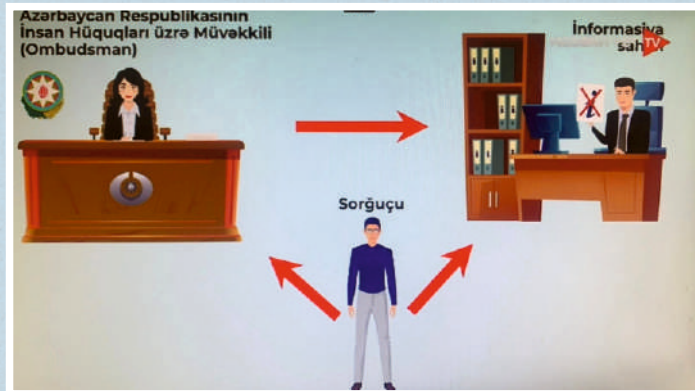
- For structures possessing information - "Ensure the right to information"

- For foreigners and stateless persons - "Rights of access to information of foreigners and stateless persons" (in Azerbaijani, Ukrainian, English and Russian)



Educational activities of the department

An educational social video about the right to information was prepared and presented to the public. The video is regularly shown on various TV channels. The video contains information on the provisions arising from the Law of the Republic of Azerbaijan “Access to information”, the obligations of information owners, information request and the deadline for its execution, the features of considering a complaint about violation of the right to receive information, as well as the powers of the Ombudsman to draw up the relevant protocol.



Enlightenment events for information owners in 18 cities and regions (Sumgait, Ganja, Gabala, Ismayilli, Tovuz, Shamkir, Jalilabad, Mingachevir, Shamakhi, etc.)



The international cooperation

- Trainings were held within the framework of the project “Support for the implementation of the partnership with Azerbaijan on displacement (MOBILAZE 2)”, organized with the support of the European Union and funded by the Council of Europe.
- Within the framework of the Association of Ombudsmen of the Organization of Islamic Cooperation (OIC), an online training was held on the topic "Protection of the right to access to information: the experience of the Ombudsman of Azerbaijan.”
- With the support of the German Society for International Cooperation, trainings were held on the protection of the right to access to information as part of a series of events on the topic "The role of the Ombudsman in promoting good governance in public institutions and strengthening cooperation in this direction with civil society institutions" within the framework of the regional program "Good Governance for local development in the South Caucasus” and so on.



The international cooperation

- In 2023, the Ombudsman Institution of Azerbaijan has been elected a full-fledged member of the International Conference of Information Commissioners (ICIC).
- In 2023, the staff members of the Ombudsman Office participated in the International Conference of Information Commissioners (ICIC) on the topic of "Bridging Information Across Nations: Concretizing the Global Role of Access to Information for Democratic Preservation, Inclusivity, and Development" held by the Philippine government in Manila, the Philippines.
- In 2024, the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, Sabina Aliyeva and the staff members of the Ombudsman Office participated in the XV Edition of the ICIC in Tirana, Albania.



How to apply to the Ombudsman?

Website: www.ombudsman.az

E-Government Portal: www.e-gov.az

Address: 80 ilzeyir Hajibeyli Street,
The Government House, Entrance II,
Baku, Azerbaijan.

E-mails: ombudsman@ombudsman.az
apparat@ombudsman.az

Call Center: (012) 916

Tel/Fax: (+99412) 493 74 22

Facebook: [@ombudsman.az](https://www.facebook.com/ombudsman.az)

Twitter: [@az_ombudsman](https://twitter.com/az_ombudsman)

Youtube: [Ombudsman of Azerbaijan](https://www.youtube.com/Ombudsman of Azerbaijan)

Instagram: [ombudsman_azerbaijan](https://www.instagram.com/ombudsman_azerbaijan)

