



## **Economic and Social Council**

Distr.: General  
16 May 2011  
English  
Original: Russian

---

**Committee on Economic, Social and Cultural Rights**

### **Implementation of the International Covenant on Economic, Social and Cultural Rights**

**Third periodic report submitted by States parties  
under article 16 and 17 of the Covenant**

**Azerbaijan\***

[29 September 2009]

---

\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

---

## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1–27	3
II. Information on individual articles of the Covenant.....	28–608	7
Article 1 .....	28–34	7
Article 2 .....	35–71	7
Article 3 .....	72–93	12
Articles 4–5 .....	94	16
Article 6 .....	95–142	16
Article 7 .....	143–209	22
Article 8 .....	210–236	31
Article 9 .....	237–282	33
Article 10 .....	283–370	39
Article 11 .....	371–431	48
Article 12 .....	432–481	54
Article 13 .....	482–517	60
Article 15 .....	518–608	69
III. Information on specific suggestions and recommendations contained in the concluding observations of the Committee on the second periodic report of Azerbaijan .....	609–801	83

## I. Introduction

1. This is the third periodic report submitted by Azerbaijan under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights on measures taken by the Government of Azerbaijan for the implementation of the rights enshrined in the Covenant and on the progress achieved in that area.
2. The working group established by Presidential Order No. 157 of 13 February 2009 for the preparation of this report included representatives of the Ministries of Foreign Affairs, Internal Affairs, Finance, Justice, Economic Development, Youth and Sport, Labour and Social Welfare, Health, Environment and Natural Resources, and Education; the Government Committees on family, women's and children's issues, on statistics, on refugees and displaced persons, and on land and cartography; the State Social Welfare Fund, the Trade Union Confederation, the Copyright Agency and the Ombudsman's Office. Experts of State bodies and NGOs participated in the work.
3. On 18 March 2009, a referendum was carried out in Azerbaijan on additions and amendments to the Constitution. Such additions and amendments entered into force on 31 March 2009.
4. According to amendments to article 12 of the Constitution (on the highest priority objective of the State), the main goal of the State is to safeguard civil rights and freedoms and ensure a decent standard of living for the population.
5. According to amendments to article 15 of the Constitution (on economic development and the State), the State builds on market relations to promote economic development with a social orientation.
6. Under the Constitution, civil rights and freedoms are exercised in full compliance with international agreements.
7. Under article 148 (2) of the Constitution, international agreements to which Azerbaijan is a party form an integral part of the country's legislation.
8. Under article 151 of the Constitution, in the event of a conflict between the legal and regulatory instruments of the country's system of legislation (save for the Constitution and instruments adopted by referendum) and the international treaties to which Azerbaijan is a party, the international treaties prevail.
9. Accordingly, the Constitution has direct effect, and the rights and the freedoms enshrined in the Constitution are directly enforceable.
10. The Presidential Decree on measures guaranteeing human and civil rights and freedoms, the State human rights programme and the National plan of action for the protection of human rights are crucial to the exercise of human rights and fundamental freedoms.
11. A working group, headed by the Ombudsman and comprising representatives of State bodies and NGOs, has been set up to coordinate the implementation of the national plan of action for the protection of human rights.
12. Azerbaijan is a party to most of the global and regional agreements in the area of human rights, including seven fundamental international treaties.
13. On 11 June 2009, the Human Rights Council adopted the national report of Azerbaijan (A/HRC/WG.6/4/AZE/1) within the framework of the universal periodic review.

14. During that review, considerable appreciation was expressed for the measures taken by the Government with regard to the protection of human and civil rights and freedoms, including social and economic reforms.

15. Table 1 presents the development of the country's basic macroeconomic indicators. Table 2 presents the development of the country's social expenditures under the State budget.

Table 1

**Macroeconomic indicators**

(per cent of the level of the preceding year)

	2003	2004	2005	2006	2007	2008
Gross domestic product (GDP)	111.2	110.2	126.4	134.5	125.0	110.8
Industrial production	106.1	105.7	133.5	136.6	124.0	106.0
Essential capital investment	173.8	135.4	116.6	115.2	123.8	134.3
Agricultural output	105.6	104.6	107.5	100.9	104.0	106.1
Transport by common carriers	111.7	106.6	109.4	113.5	115.1	109.2
Communication services	123.0	131.4	138.1	123.0	127.3	128.2
Retail trade	110.9	113.0	113.2	113.5	115.3	116.1
Paid services	111.7	116.4	126.1	142.1	133.8	129.7
Foreign trade, of which:	136.1	136.7	120.0	136.0	101.1	466.5
Exports	119.5	139.6	120.2	146.6	95.1	788.3
Imports	157.7	133.9	119.8	125.1	108.5	125.4
Personal incomes	114.3	114.9	122.3	126.5	142.7	137.8
Per capita income	113.5	113.9	121.0	125.1	141.1	136.2
Average monthly nominal wage	122.7	128.5	124.3	120.6	144.8	124.2
Number of registered unemployed workers	106.7	102.9	100.7	95.6	94.0	87.8
Consumer price index	102.2	106.7	109.6	108.3	116.7	120.8

Table 2

**Social expenditures under the State budget**

(in AZN million, where AZN (manat) 1 = US\$ 1.25)

	<i>Of which:</i>						
	<i>Social and cultural expenditures</i>	<i>On health (amount)</i>	<i>Per cent of total</i>	<i>On social protection (amount)</i>	<i>Per cent of total</i>	<i>On social security (amount)</i>	<i>Per cent of total</i>
<b>2003</b>							
<b>Total</b>	<b>535.2</b>	<b>55.3</b>	<b>10.3</b>	<b>153.6</b>	<b>28.7</b>	<b>60.4</b>	<b>11.3</b>
Per cent of GDP	7.5	0.8	x	2.1	x	0.8	x
<b>2004</b>							
<b>Total</b>	<b>642.2</b>	<b>73.5</b>	<b>11.4</b>	<b>168.8</b>	<b>26.3</b>	<b>67.6</b>	<b>10.5</b>

	<i>Of which:</i>						
	<i>Social and cultural expenditures</i>	<i>On health (amount)</i>	<i>Per cent of total</i>	<i>On social protection (amount)</i>	<i>Per cent of total</i>	<i>On social security (amount)</i>	<i>Per cent of total</i>
Per cent of GDP	7.5	0.9	x	2.0	x	0.8	x
2005							
<b>Total</b>	<b>843.3</b>	<b>115.3</b>	<b>13.7</b>	<b>217.7</b>	<b>25.8</b>	<b>87.2</b>	<b>10.3</b>
Per cent of GDP	6.7	0.9	x	1.7	x	0.7	x
2006							
<b>Total</b>	<b>1049.7</b>	<b>162</b>	<b>15.4</b>	<b>330.3</b>	<b>31.5</b>	<b>11.2</b>	<b>1.1</b>
Per cent of GDP	5.6	0.9	x	1.8	x	0.1	x
2007							
<b>Total</b>	<b>1670.3</b>	<b>257.2</b>	<b>15.4</b>	<b>578.4</b>	<b>34.6</b>	<b>16.4</b>	<b>1.0</b>
Per cent of GDP	5.9	0.9	x	2.0	x	0.1	x
2008							
<b>Total</b>	<b>2312.6</b>	<b>346.3</b>	<b>15.0</b>	<b>825.3</b>	<b>35.7</b>	<b>21.1</b>	<b>0.9</b>
Per cent of GDP	6.1	0.9	x	2.1	x	0.1	x

16. The constitutional amendments Act adopted by referendum in 2002 granted to every person the right to challenge directly before the Constitutional Court any regulatory decisions taken by the legislature, the executive, municipalities and courts, which violate rights and freedoms or provisions of the Constitution.

17. The institution of the Ombudsman was established under the Constitutional Act on the Human Rights Commissioner (Ombudsman) of 28 December 2001. With regard to any regulatory decisions taken by the legislature, the executive, municipalities and courts, which violate rights and freedoms, the Ombudsman may, according to the procedures established by the law, request a Constitutional Court ruling on the issues listed in article 130 (3), subparagraphs 1–7, of the Constitution.

18. Of the 42,260 submissions filed by the Ombudsman during her activity (including 8,600 in 2008 alone), 93 per cent (including 86.6 per cent in 2008 alone) were complaints. Of the total number of complaints filed in 2003–2008 and in 2008 alone, 38.8 and 42.6 per cent, respectively, concerned violations of civil liberties; while 61.2 and 57.4 per cent, respectively, concerned economic, social and cultural rights.

19. In accordance with the Constitutional Act on the Human Rights Commissioner (Ombudsman), the Ombudsman has refused to examine 52.6 per cent of complaints filed during her activity (51.2 per cent of complaints filed in 2008 in particular) on the following grounds: they did not fall within her competence; the actual violation of a right had occurred more than a year earlier; they were anonymous; judicial proceedings had already been initiated for the same act; or a complaint had been filed earlier for the same act and no new information, facts or evidence were offered. Of the complaints that the Ombudsman agreed to examine, namely 47.4 and 48.8 per cent of complaints filed during her activity and in 2008 in particular, she gave satisfaction to, respectively, 35.7 and 43.3 per cent.

20. Under article 1 of the Constitutional Act on the implementation of human rights and fundamental freedoms, adopted on 24 December 2002 in order to align Azerbaijan's implementation of the rights and freedoms in question with the Convention on the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), none of the Constitution's or that Constitutional Act's provisions may be interpreted or understood by State bodies, organizations or other entities as providing a legal basis for activities or acts aimed at abolishing human or civil rights or freedoms or placing on them limitations stricter than those laid down in the Constitution or the Constitutional Act.

21. The main obstacle to the development of Azerbaijan consists in the continuing aggression waged by neighbouring Armenia and the associated serious consequences.

22. As a result of the aggression and ethnic cleansing of Azeris both from the territory of Armenia itself and from the occupied Azerbaijani lands, there are currently in Azerbaijan over one million refugees and displaced persons, including members of minorities. The humanitarian situation in Azerbaijan has become disastrous. Every year, hundreds of older persons, women and children die in the refugee camps from epidemic and other diseases.

23. In its resolutions 822 (1993) of 30 April 1993, 853 (1993) of 29 July 1993, 874 (1993) of 14 October 1993 and 884 (1993) of 11 November 1993, the United Nations Security Council condemned the occupation of the territory of the Azerbaijani Republic, reaffirmed respect for the sovereignty, territorial integrity and inviolability of the borders of the Azerbaijani Republic and the inadmissibility of the use of force for territory acquisition, and demanded the immediate cessation of hostilities and hostile acts and the immediate, complete and unconditional withdrawal of all occupying forces from the occupied areas of Azerbaijan.

24. At the 1996 summit meeting of Organization for Security and Cooperation in Europe (OSCE), the following principles, recommended by the co-chairs of the OSCE Minsk Group and supported by all OSCE member States except Armenia, were formulated with a view to settling the armed conflict:

- (a) Territorial integrity of the Republic of Armenia and the Republic;
- (b) Definition of the legal status of Nagorny Karabakh by an agreement based on self-determination and affording Nagorny Karabakh the highest degree of self-government within Azerbaijan;
- (c) Guaranteed security for Nagorny Karabakh and its entire population, including mutual responsibility to ensure that all parties observe the provisions of the settlement.

25. In resolution 1416, adopted by the Parliamentary Assembly of the Council of Europe on 25 January 2005, the Assembly cites the above-mentioned resolutions of the United Nations Security Council and urges the parties concerned to comply with them.

26. At its eighty-sixth plenary meeting, the General Assembly of the United Nations adopted on 14 March 2008 resolution A/RES/62/243, which again confirmed Azerbaijan's territorial integrity and demanded the immediate departure of the Armenian armed forces.

27. Notwithstanding the unequivocal demands of the United Nations Security Council and the other above-mentioned organizations, Armenia continues to this day to hold occupied Azerbaijani territory and to build up its military capability there.

## II. Information on individual articles of the Covenant

### Article 1

28. The Azerbaijani Republic confirms its unswerving commitment to the self-determination of peoples and to their right freely to determine their political status and freely to pursue their economic, social and cultural development.

29. Article 16 of the State Independence Act, one of the country's constitutional Acts, provides as follows: "The Azerbaijani Republic shall, in accordance with the generally recognized rules of international law, build its relations with other States on the basis of the principles of the sovereign equality of States, the non-use of force or of the threat of force, the inviolability of State frontiers, the settlement of disputes by peaceful means, non-intervention in the internal affairs of other States, respect for human rights and fundamental freedoms, the equality of peoples and their right to self-determination, cooperation among States and the fulfilment in good faith of international legal obligations."

30. The right of peoples to self-determination is of exceptional importance for the people of Azerbaijan, which, through sustained efforts to give effect to that right, has lawfully re-established its independence.

31. The Azerbaijani Constitution, which was adopted by national referendum on 12 November 1995 and came into force on 27 November of that year, states, in article 2, that it is the sovereign right of the people of Azerbaijan freely and independently to decide their own fate and determine their form of government.

32. The people of Azerbaijan shall exercise their sovereign right directly through nationwide voting (referendums) and through representatives elected on the basis of universal, equal and direct suffrage by free, secret and personal ballot.

33. The Azerbaijani Republic is firmly convinced that the guiding principles of democratic societies—equality, the rule of law, respect for human rights, freedom of choice, and tolerance—should be applied in the same degree to international relations. Such relations should be founded on the principles of the sovereignty, equality and territorial integrity of States, non-interference in each other's internal affairs and peaceful coexistence.

34. Azerbaijan further believes that realization of the right of self-determination must not be used as a pretext for infringement of the territorial integrity, national unity or ethnic harmony of independent States. In its view, the right of peoples to self-determination should be given its original, true significance, which does not undermine but on the contrary strengthens the national independence, sovereignty and territorial integrity of States, whose Governments look after the interests of their entire population without distinction.

### Article 2

35. Under article 25 (3) of the Constitution, the State guarantees equal rights and freedoms to all, regardless of race, nationality, religion, language, gender, origin, financial position, occupation, political views, or membership of political parties, trade unions or public associations. The restriction of human and civil rights and freedoms on the grounds of race, ethnic background, religion, language, gender, origin, beliefs or political or social affiliation is prohibited.

36. Under an addition, effective as from 31 March 2009, to article 25 of the Constitution, no one may suffer damage or enjoy or be denied privileges or advantages on grounds listed in paragraph 3 of the article.
37. Under paragraph 5 of the same article, all persons enjoy equal rights in their relations with State bodies, decision makers and civil servants responsible for issues linked to rights and obligations.
38. Under article 69 of the Constitution, unless otherwise provided by law or by an international treaty to which Azerbaijan is a party, aliens and stateless persons present in Azerbaijan may enjoy all rights and must fulfil all obligations on an equal footing with citizens. The rights and freedoms of aliens and stateless persons permanently residing or temporarily present in the national territory may be limited solely in accordance with the rules of international and domestic law.
39. The principle of equal rights for all underlies any specific acts governing various areas of public life (namely the activities of, inter alia, the courts, procurators and police) and the legal status of specific categories (such as children, aliens, persons with disabilities, and the sick) or other activities (which are subject to procedural legislation or related to business).
40. Under article 4 of the Legal Status of Aliens and Stateless Persons Act of 13 March 1996, aliens and stateless persons may enjoy all rights and freedoms and must fulfil all obligations on an equal footing with citizens regardless of social standing, property status, race, social class, gender or language.
41. Under article 20 of the same Act, aliens and stateless persons residing permanently in Azerbaijan may join public associations on the same basis as citizens, unless there are rules that provide otherwise.
42. Article 11 of the Act provides that, with respect to labour relations, aliens and stateless persons enjoy the same rights and have the same obligations as citizens unless Azerbaijani law or international treaties to which Azerbaijan is a party provide otherwise.
43. Under the Employment Pensions Act of 7 February 2006, aliens and stateless persons residing permanently in Azerbaijan are entitled to employment pensions on the same basis as citizens.
44. Under the Social Benefits Act of 7 February 2006, aliens and stateless persons residing permanently in Azerbaijan are entitled to monthly and lump-sum benefits subject to the conditions and according to the procedures which apply to citizens.
45. Under provisions added in 2008 to the copyright and related rights Act of 5 June 1996, the effect of the Act, in accordance with international agreements and the reciprocity principle, was extended to aliens and stateless persons, over and above Azerbaijani citizens.
46. Under 2008 amendments to the targeted State social assistance Act of 15 March 1999, aliens residing permanently in Azerbaijan are persons taken into account in granting targeted State social assistance to families.
47. Moreover, the social and economic rights of aliens and stateless persons were taken into account in amendments to, inter alia, the State secrets Act of 7 September 2004, the cancer care facilities Act of 23 May 2006 and the legal entities State registration and State register Act of 12 December 2003.
48. Under the labour migration Act of 28 October 1999, any able-bodied alien or stateless person aged 18 years or older may engage in paid work in the national territory.
49. Under article 13 of the Labour Code, adopted on 1 July 1999, aliens and stateless persons present in Azerbaijan enjoy all labour rights on an equal footing with Azerbaijani



citizens. Except in the cases provided for by law, restriction of the labour rights recognized to aliens and stateless persons pursuant to the Labour Code and other laws and regulations is prohibited. The creation for aliens and stateless citizens of rights in the field of labour relations that are more favourable than those of Azerbaijani citizens is also prohibited.

50. Article 16 of the Labour Code prohibits any discrimination against workers on grounds of citizenship, gender, race, faith, nationality, language, place of residence, property status, social origin, age, family status, beliefs, political views, membership of trade unions or public associations, rank or other factors unconnected with professional qualities or skills or the results of work; the creation of advantages or privileges directly or indirectly based on these factors; and the restriction of workers' rights.

Table 3  
**Breakdown of the workforce and employment by nationality, based on the 1999 population census**

<i>Nationalities</i>	<i>Thousand persons</i>		
	<i>Economically active population</i>	<i>Of which, employed:</i>	<i>Employed workers as a percentage of the economically active population</i>
<b>Overall population</b>	<b>3 400.3</b>	<b>2 847.7</b>	<b>83.7</b>
<i>Including:</i>			
Azerbaijanis	3 064.5	2 555.7	83.4
Lezghins	77.7	68.9	88.7
Russians	62.9	50.3	80.0
Armenians	54.4	45.9	84.4
Talysh	37.6	36.2	96.3
Avars	25.3	24.1	95.3
Turks	18.5	17.4	93.9
Tatars	12.8	10.1	79.4
Ukrainians	12.5	9.9	79.5
Tsakhurs	7.6	6.9	89.9
Georgians	7.2	6.6	91.1
Kurds	5.6	4.2	74.5
Tats	4.3	3.9	91.0
Jews	3.2	2.6	82.3
Udis	1.9	1.3	68.1
Other nationalities	4.3	3.7	84.5

51. The results of a national population census carried out in April 2009 will be published in 2011.

52. The international, regional in particular, large-scale oil and gas production and transport projects carried out by Azerbaijan, the country's social and political stability, the inflow of foreign capital, the creation of favourable business conditions, macroeconomic stability and the high rate of economic growth are key factors encouraging immigration.

53. Aliens in Azerbaijan mainly work in the sectors of industry, construction, transport, trade and services.

54. The number of registered alien workers in Azerbaijan increased from 3,951 in 2003 to 4,643 in April 2009.

Table 4

**Breakdown of alien holders of a work permit by economic sector, 1 April 2009**

Total number of alien holders of a work permit: 4,643

<i>Economic activity</i>	<i>Number of alien workers</i>	<i>Per cent of total number of alien workers</i>
1 Oil	1 620	34.89
2 Construction	1 341	28.88
3 Manufacturing industry	437	9.41
4 Automobile trade and maintenance	242	5.21
5 Power, gas and water processing	202	4.35
6 Machinery servicing	194	4.18
7 Transport and communication	187	4.03
8 Hotels and restaurants	137	2.95
9 Education	125	2.69
10 Finance	87	1.87
11 Medicine	52	1.12
12 Agriculture	19	0.41

Table 5

**Breakdown of foreign work permit holders by country of origin, 1 April 2009**

<i>Country</i>	<i>Number of foreign workers</i>	<i>Per cent of total number of foreign workers</i>
1. Turkey	1 969	42.41
2. Great Britain	548	11.80
3. Georgia	301	6.48
4. India	284	6.12
5. Russian Federation	202	4.35
6. Malaysia	144	3.10
7. China	137	2.95
8. Philippines	107	2.30
9. Bangladesh	87	1.87
10. Turkmenistan	87	1.87
11. Iran	86	1.85
12. Germany	66	1.42
13. USA	60	1.29
14. Italy	59	1.27
15. Pakistan	46	0.99
16. Kazakhstan	40	0.86
17. Ukraine	35	0.75
18. Croatia	20	0.43

<i>Country</i>	<i>Number of foreign workers</i>	<i>Per cent of total number of foreign workers</i>
19. Singapore	19	0.41
20. France	18	0.39
21. Tajikistan	18	0.39
22. Belarus	17	0.37
23. Canada	17	0.37
24. Rumania	17	0.37
25. Australia	15	0.32
26. Thailand	15	0.32
27. Other countries	229	4.93

55. Aliens may work in Azerbaijan once they have received an individual permit to engage in paid work.

56. The individual permit in question is issued for one year and may be extended four times, each time by one year. The application for such a permit is submitted by the employer.

57. Once they receive the individual permit, employers must conclude with the migrant worker a labour contract in accordance with the Labour Code.

58. A labour contract concluded between an individual or a legal entity and a migrant worker may contain further terms providing the migrant worker with better social protection.

59. Under domestic legislation, a migrant worker may, according to the procedure established by law, cancel the labour contract at any time and leave Azerbaijan. A migrant worker may travel to his or her State of origin or another State.

60. With regard to working conditions, wages, working hours, rest periods and social security, migrant workers have the same rights as citizens. Migrant workers' labour relations are governed by the Labour Code.

61. According to domestic legislation, migrant workers are entitled to a pension after having worked in the country for a given period.

62. Migrant workers are entitled to damages for work-related injuries on an equal footing with citizens.

63. Under articles 292 and 294 of the Labour Code, migrant workers are entitled to recourse to the judicial authorities on the same basis and under the same conditions as citizens.

64. The Government programme on migration, 2006–2008, adopted by a presidential decree of 25 July 2006, has been crucial to the protection of the rights of migrants.

65. The following measures have been taken as part of the implementation of the above programme:

- Statistics on migrant workers were improved;
- Rules were laid down for granting immigrant status to aliens and stateless persons;
- The rules for issuing individual work permits to aliens were refined;
- Steps were taken for the creation of a single migration information centre;

- Rules were established for the voluntary placement or detention of aliens and stateless persons, whose expulsion from Azerbaijan has been decided, in the detention centre for illegal migrants of the State migration service;
  - Draft rules were drawn up for establishing quotas on work permits for aliens and stateless persons;
  - Draft rules were drawn up for the adaptation of immigrants to local conditions in Azerbaijan;
  - A draft readmission strategy has been formulated.
66. The State migration service was created by a presidential decree of 19 March 2007.
67. Amendments and additions designed to improve legislation on migration determined the length of stay of aliens and stateless persons in the country and established a mechanism for granting them temporary or permanent residence. A draft Migration Code is being prepared.
68. The one-stop shop approach to migration procedures was introduced by a presidential decree of 4 March 2009.
69. One of the innovations of that approach is the abolition of entry and exit visas for aliens and stateless persons having received a temporary or permanent residence permit. They may now leave or return to the country using a passport and a certificate issued by State migration service.
70. Azerbaijan cooperates with international organizations with a view to meeting obligations under article 2 of the Covenant.
71. Thus, under the "Civil Society Project, 2005–2010, promoted by the United States NGO "Counterpart International", measures are taken to enhance the capability of civil society organizations to protect their interests effectively, and of citizens to determine their interests and promote them.

### **Article 3**

72. The gender equality Act was adopted on 10 October 2006.
73. The Act mainly aims at eliminating all forms of gender-based discrimination, and ensuring equal opportunities for men and women in the political, economic, social, cultural and other areas of public life.
74. According to the Act, the following practices are not discriminatory:
- (a) Privileges, advantages and additional safeguards enjoyed by women under the Labour Code;
  - (b) Call-up of men to active or alternative military service; and different legal pensionable age and age of consent for men and women;
  - (c) Under article 15 of the Family Code, limitation of the husband's right to file for divorce;
  - (d) Different detention conditions for sentenced male and female offenders;
  - (e) Affirmative measures to ensure gender equality.
75. Under article 15 (2) of the Act, the State ensures that men and women enjoy equal opportunities to exercise the right to social security and to receive targeted State support and other social benefits.

76. The same Act establishes advantages, privileges and additional guarantees for women, including different retirement ages and penal enforcement conditions for men and women, and special measures designed to promote gender equality.

77. Under the political parties Act and the trade unions Act, men and women must have equal opportunities to join trade unions and political parties.

78. Building on the Government committee on women's affairs, the Government committee on issues of the family, women and children was created on 6 February 2006, mainly to ensure gender equality, reduce gender-based discrimination and prevent violence against women and children.

Table 6  
**Breakdown of the population by gender**  
(beginning of year, thousand persons)

Years	Total population	Including:		Urban population	Including:		Rural population	Including:	
		Men	Women		Men	Women		Men	Women
2003	8 202.5	4 023.0	4 179.5	4 154.3	2 027.0	2 127.3	4 048.2	1 996.0	2 052.2
2004	8 265.7	4 058.5	4 207.2	4 254.3	2 077.6	2 176.7	4 011.4	1 980.9	2 030.5
2005	8 347.3	4 103.7	4 243.6	4 298.3	2 101.4	2 196.9	4 049.0	2 002.3	2 046.7
2006	8 436.4	4 152.2	4 284.2	4 356.6	2 131.9	2 224.7	4 079.8	2 020.3	2 059.5
2007	8 532.7	4 205.0	4 327.7	4 397.6	2 154.1	2 243.5	4 135.1	2 050.9	2 084.2
2008	8 629.9	4 258.1	4 371.8	4 464.8	2 189.2	2 275.6	4 165.1	2 068.9	2 096.2
2009	8 730.3	4 313.0	4 417.3	4 519.5	2 217.7	2 301.8	4 210.8	2 095.3	2 115.5
(Percentage)									
2003	100.0	49.1	50.9	100.0	48.8	51.2	100.0	49.3	50.7
2004	100.0	49.1	50.9	100.0	48.8	51.2	100.0	49.4	50.6
2005	100.0	49.2	50.8	100.0	48.9	51.1	100.0	49.5	50.5
2006	100.0	49.2	50.8	100.0	48.9	51.1	100.0	49.5	50.5
2007	100.0	49.3	50.7	100.0	49.0	51.0	100.0	49.6	50.4
2008	100.0	49.3	50.7	100.0	49.0	51.0	100.0	49.7	50.3
2009	100.0	49.4	50.6	100.0	49.1	50.9	100.0	49.8	50.2

Table 7  
**Number of women per 1,000 men**  
(beginning of year)

Years	Total population	Urban areas	Rural areas
2003	1 039	1 050	1 028
2004	1 037	1 048	1 025
2005	1 034	1 045	1 022
2006	1 032	1 044	1 019
2007	1 029	1 042	1 016
2008	1 027	1 040	1 013
2009	1 024	1 038	1 010

79. In 1918, the declaration of independence of the Azerbaijan Democratic Republic granted women, for the first time in the East, the right to elect and be elected. Azerbaijani women are currently represented in the areas of administration, law and the judiciary, and actively participate in public and political life.

80. The proportion of women in the Milli Mejlis (parliament) increased from 4.3 per cent in 1990 to 11.2 per cent (consisting of 14 deputies) currently. Moreover, women hold key parliamentary posts. For instance, one of the three vice-presidents of the Parliament is a woman, as are two parliamentary commission chairs and one parliamentary commission vice-chair.

81. Moreover, women hold senior posts in the executive. Thus, four deputy ministers (in the Ministries of Culture, Education, Health and Development), the chair and two vice-chairs of the Government committee on issues of the family, women and children, the chair of the Government commission for student admissions, the vice-chair of the cabinet of the Naxçivan Autonomous Republic, and the deputy executive heads of the capital and 31 regions are women.

82. The Ombudsman of Azerbaijan and the Ombudsman of the Naxçivan Autonomous Republic are women.

83. According to statistical information, women account for 11.8 per cent of the judicial staff. The deputy chairperson of the Constitutional Court and the chairperson of the Supreme Court chamber for civil matters are women. Of the more than 970 women employed in justice departments, 100 work in the headquarters of the Ministry of Justice, including 80 who hold senior posts.

84. More than 100 NGOs currently operating in the country are engaged in defending women's rights, protecting gender equality in the household, promoting women's involvement in social and political life and providing practical assistance for the development of women's enterprises based on the market economy and for the identification of new employment opportunities for women.

85. The Presidential Decree on the implementation of Government policy relating to women of 6 March 2000 provided the national mechanism for the protection of women's rights and freedoms with effective support. Coordinators of the policy in question were designated in all bodies of the executive to monitor compliance with the decree.

86. In accordance with the above decree, the Government committee on statistics draws up and publishes every year a report entitled "Women and men in Azerbaijan". The Government committee on issues of the family, women and children compiles a report assessing progress towards gender equality, and women's active participation in public life.

87. Labour policy towards women in Azerbaijan is based on gender equality and the principle of facilitating women's work. This is accomplished by granting women specific advantages commensurate with their physiology and family obligations.

88. Under article 241 of the Labour Code, it is prohibited to assign female workers to certain types of workplace and forms of work, particularly those involving arduous or harmful working conditions; while account must be taken of women's physiology and the need to ensure that women's working conditions are safe and do not endanger their health.

89. A list of industries, occupations and functions involving harmful or arduous working conditions, including underground work, in which the use of female labour is prohibited, was approved by a decision of the Cabinet of Ministers of 20 October 1999, based inter alia on the consideration that a woman's workplace must not have a negative effect on her health or reproductive capacity.

90. Under article 16 (2) of the Labour Code, advantages, privileges and additional guarantees established, as part of labour relations, for women, disabled persons, persons under 18 and other persons in need of social protection do not constitute discrimination. Specific safeguards are implemented to ensure the social protection of women.

Table 8  
**Percentage of women among employed workers, by sector**  
(per cent)

	2003	2004	2005	2006	2007	2008 <sup>1</sup>
Economy as a whole	47.7	47.6	47.6	48.3	49.5	49.5
Agriculture, hunting and forestry	46.6	45.8	45.2	45.4	48.5	49.4
Fishing and fish-farming	14.3	39.4	44.7	44.2	62.8	20.9
Mining	20.8	19.1	19.0	22.0	22.0	22.7
Manufacturing industry	56.1	58.2	59.6	60.2	59.6	60.0
Production and distribution of power, gas and water	26.1	24.9	24.2	34.9	40.4	33.2
Construction	10.7	14.1	14.9	13.8	13.8	17.1
Wholesale and retail trade, and automobile and appliance repair	62.3	62.3	62.7	63.5	63.4	63.0
Hotels and restaurants	33.9	35.5	43.0	49.5	48.2	50.2
Transport, storage and communications	27.6	30.9	31.0	29.8	29.8	30.4
Finance	37.7	38.9	38.6	56.0	57.7	43.7
Real estate, leasing and related services	39.7	40.1	39.9	39.9	39.9	30.7
State administration, defence and compulsory social security	35.7	35.6	35.1	35.2	35.2	27.7
Education	69.1	68.6	69.0	73.3	73.4	72.5
Health and social services	60.5	59.1	59.2	64.7	64.7	71.3
Other community, social and personal services	36.7	35.7	36.1	36.3	36.3	44.9
Activity of extraterritorial organizations	20.0	-	16.7	16.7	16.7	16.7

<sup>1</sup> Preliminary data.

91. Within the framework of the Government programme for employment strategy implementation, 2006–2010, adopted by a presidential decree of 15 May 2007, measures are taken in order to, inter alia, ensure gender equality in relation to employment, promote women's competitiveness in the labour market, offer vocational training and retraining for women who are unemployed or seek work, develop national and popular arts and crafts in order to raise employment among women, and carry out research to identify the causes of unemployment among women.

92. The "Programme for decent work through cooperation with the International Labour Organization (ILO), 2006–2009", agreed upon by ILO and Azerbaijan, includes measures for developing and implementing special training activities for unemployed women and pilot projects for women's self-employment, and for encouraging entrepreneurship among women.

93. On the initiative of Mrs. Mehriban Aliyeva, first lady, President of the Heydar Aliyev Foundation, Good Will Ambassador of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Islamic Educational, Scientific and Cultural Organization (ISESCO) and a member of the Parliament, an international forum, held on 10–11 June 2008 on "Strengthening the role of women in intercultural dialogue" in order to discuss the reinforcement in question, highlighted the solidarity of the first ladies of a number of countries with the international movement for women's rights.

## Articles 4–5

94. Information in connection with these articles is provided in the core document (HRI/CORE/AZE/2008), which is part of this report.

## Article 6

95. Under article 35 of the Constitution, labour is the basis of personal and public prosperity; everyone may choose independently, based on his or her abilities, a type of activity, profession, occupation and place of work; no one may be compelled to work; labour agreements are concluded freely and no one may be forced to enter into a labour agreement.

96. Moreover, under terms and conditions specified by law, compulsory labour may be imposed by court decision, and by authorized persons during a person's military service, in a state of emergency or under martial law.

97. Lastly, everyone has a right to safe and healthy working conditions and, without any discrimination, to remuneration at least equal to the minimum wage set by the State; unemployed persons are entitled to social benefits from the State; and the State must spare no effort to eliminate unemployment.

98. The Labour Code establishes minimum standards and rules safeguarding the labour rights of individuals and ensuring the implementation of such standards and rules.

99. The Labour Code prohibits any discrimination against workers on grounds of citizenship, gender, race, faith, nationality, language, place of residence, property status, social origin, age, family status, beliefs, political views, membership of trade unions or public associations, rank or other factors unconnected with professional qualities or skills or the results of work; the creation of advantages or privileges directly or indirectly based on these factors; and the restriction of workers' rights.

100. Under article 16 (2) of the Labour Code, advantages, privileges and additional guarantees established, as part of labour relations, for women, disabled persons, persons under 18 and other persons in need of social protection do not constitute discrimination.

101. The employment Act of 2 July 2001 establishes the legal, economic and organizational foundations for State policy on the promotion of employment, and State guarantees for citizens with respect to work and the social protection of unemployed persons.

102. In accordance with article 6.2.1 of the Act, one of the pillars of the country's employment policy is to secure equal opportunities for the exercise of labour rights and free choice of employment to all citizens, regardless of race, nationality, religion, language, gender, family status, social origin, place of residence, property status, beliefs or membership of political parties, trade unions or other public associations.

103. Stable growth rates of macroeconomic indicators have created favourable conditions for economic development with a social orientation, a higher standard of living for the population, job generation and increased employment. According to the Government committee on statistics, the successful implementation of the Government programme for the social and economic development of the regions, 2004–2008, which was adopted by a presidential decree of 11 February 2004, 766,277 new jobs, including 547,573 permanent ones, were created in the period October 2003–December 2008. Of these jobs, 80 per cent were created in regions, and 86.1 per cent are in the non-Government sector.



104. During the period 1995–2008, successful implementation of social and economic policy made it possible to reduce unemployment from 17.2 per cent in 1995 to 10.7 per cent in 2003 and 6.5 per cent (5.6 per cent among women) in 2007. On 1 January 2009, the country's unemployment rate stood at 6.1 per cent. Of 44,481 persons officially registered as unemployed in 2008, women accounted for 46.9 per cent.

Table 9  
**Basic indicators of the Employment Service**

	2003	2004	2005	2006	2007	2008
Number of persons recognized as unemployed by the Employment Service (end of year)	54 365	55 945	56 343	53 862	50 651	44 481
Number of persons placed in jobs (during the year)	18 272	21 662	25 299	28 076	30 700	31 144
Number of persons sent to vocational training (during the year)	2 206	2 111	1 542	577	2 623	3 393
Number of persons involved in social activities (during the year)	2 138	1 966	2 521	1 462	1 832	1 907
Number of unemployment benefit recipients (end of year)	3 111	3 084	2 087	2 281	2 523	2 109
Average amount of unemployment benefits (AZN, during the year)	23.51	27.34	40.17	52.03	70.24	114.58

105. In 2003, an economic activity survey, currently part of the country's statistical system, was carried out with financial support from the United Nations Development Programme (UNDP) and with ILO technical assistance in order to obtain basic information on the size and composition of the workforce. A second such survey was conducted in 2006 as part of a joint project with UNDP.

106. According to the Government committee on statistics, on 1 January 2009 the economically active population and the number of employed consisted of, respectively, 4,318,200 and 4,056,100 persons, up by, respectively, 13.6 and 8.2 per cent since 2003.

Table 10  
**Economically active population**  
(thousand persons)

	2003	2004	2005	2006	2007	2008 <sup>b</sup>
<b>Total economically active population</b>	<b>4 147.9</b>	<b>4 157.8</b>	<b>4 168.0</b>	<b>4 264.2</b>	<b>4 295.2</b>	<b>4 318.2</b>
Men	2 165.9	2 175.6	2 181.5	2 211.1	2 192.4	2 190.7
Women	1 982.0	1 982.2	1 986.5	2 053.1	2 102.8	2 127.5
<b>Employed population</b>	<b>3 747.0</b>	<b>3 809.1</b>	<b>3 850.2</b>	<b>3 973.0</b>	<b>4 014.1</b>	<b>4 056.0</b>
Men	1 959.7	1 995.8	2 017.4	2 054.1	2 028.5	2 048.3
Women	1 787.3	1 813.3	1 832.8	1 918.9	1 985.6	2 007.7
<b>Unemployed<sup>c</sup></b>	<b>400.9</b>	<b>348.7</b>	<b>317.8</b>	<b>291.2</b>	<b>281.1</b>	<b>262.2</b>
Men	206.2	179.8	164.1	157.0	163.9	142.4
Women	194.7	168.9	153.7	134.2	117.2	119.8
<i>Including:</i>						
<b>Number of persons recognized as unemployed by the Employment Service</b>	<b>54 365</b>	<b>55 945</b>	<b>56 343</b>	<b>53 862</b>	<b>50 651</b>	<b>44 481</b>
Men	25 313	26 669	27 265	26 323	25 322	23 608

	2003	2004	2005	2006	2007	2008 <sup>b</sup>
Women	29 052	29 276	29 078	27 539	25 329	20 873
<i>Including:</i>						
<b>Number of unemployment benefit recipients</b>	<b>3 111</b>	<b>3 084</b>	<b>2 087</b>	<b>2 281</b>	<b>2 523</b>	<b>2 109</b>
Men	1 808	1 887	1 316	1 488	1 655	1 350
Women	1 303	1 197	771	793	868	759

<sup>a</sup> Based on ILO methodology (including persons recognized as unemployed).

<sup>b</sup> Preliminary data.

107. In 2005, a one-time sample survey of housework among persons aged 15 or older was carried out in order to obtain statistical information on the number of workers in the informal economy.

108. According to the informal economy survey, of the 186.3 thousand persons or 4.8 per cent of the employed population who work in the informal sector, 88.0 per cent were wage earners, 8.7 per cent were self-employed or members of production cooperatives, 0.2 per cent were entrepreneurs and 3.1 per cent worked in farms.

109. According to the survey, most informal sector workers work in trade, construction, the manufacturing industry and transport.

110. To simplify the registration of commercial entities, a presidential decree issued of 30 April 2007 on measures to develop entrepreneurship ordered the creation of a "one-stop" procedure, whereby all required documents may be submitted at a single State agency, which quickly carries out all necessary processing. Commercial entities are registered by the national Ministry of Taxation.

111. As many as 572 commercial entities were registered within only the first week of implementation of the above system.

112. In the period 2003–2008, AZN 293.42 million (US\$ 366.775 million) were allocated under the budget to the National Entrepreneurship Support Fund.

113. Azerbaijan's employment strategy, 2006–2015, approved by a presidential decree of 26 October 2005, seeks to utilize labour resources more fully and ensure rational employment of the population. The strategy's priority goals consist in building on social and economic reforms, developed market relations, and improved policies on taxation, investment, customs and education; and in ensuring the institutional development of the labour market so as to stimulate job creation.

114. The employment strategy is to be implemented in two interconnected stages. The first stage covers the period 2006–2010 and aims at decreasing considerably the unemployment rate, strengthening the social protection of the unemployed and the socially vulnerable groups, improving the labour market, enhancing the quality and competitiveness of labour resources and promoting the population's economic activity.

115. The second stage covers the period 2011–2015 and aims mainly at creating an environment conducive to the development of a workforce in line with international standards, deepening structural reforms, boosting investment activity and ensuring a highly developed human capital.

116. The Government programme for employment strategy implementation, 2006–2010 was adopted by a presidential decree of 15 May 2007, with a view to the completion of the first stage of implementation of the employment strategy.

117. The main goal of the above programme is to use the creation of a political, economic and institutional environment conducive to the development and rationalization of employment in order to ensure the attainment of the priority objectives schedule to be achieved by 2011 under Azerbaijan's employment strategy, 2006–2015, through.

118. The measures provided for under the above programme in the period 2007–2010 are expected to:

(a) Create an environment conducive to the implementation of a rational employment policy;

(b) Improve the legislative framework on the area of employment;

(c) Encourage the upgrading of labour resources, enhance their competitiveness and economic activity, and ameliorate the staff training system, including at the vocational and skills level, with a view to meeting the needs of a dynamically developing labour market;

(d) Build an institutional environment conducive to the development of the labour market in the regions;

(e) Lower the unemployment rate;

(f) Strengthen the social protection of the unemployed and the job seekers.

119. Within the framework of the above programme and with a view to ensuring gender equality in the area of employment, measures are taken to secure work to persons most in need of social protection, including through the hiring of women in enterprises, agencies and organizations on the basis of quota; the promotion of women's enterprises and competitiveness in the labour market; the provision of vocational training and retraining for women who are unemployed or seek work; the development of national and popular arts and crafts in order to raise employment among women; and the conduct of research to identify the causes of unemployment among women.

120. Within the framework of the same programme and with a view to boosting youth employment, measures are taken for the preparation and implementation of an action plan designed to create possibilities for granting microcredits to unemployed workers and job seekers, particularly young persons, so that they may engage in small ventures; to inform students about summer internships; to provide information on seasonal and social activities and their organization; to extend preferential loans to set up arts and crafts workshops and production units where young persons and women can work; to study the experience of advanced countries in boosting youth employment; and to prepare study guides and training programmes to help young persons to acquire work experience and learn the basics of economic activity.

121. Within the framework of the same programme and with a view to boosting employment among refugees and internally displaced persons, measures are taken for, inter alia, creating new jobs in densely populated and temporary residence areas and in newly built settlements for internally displaced persons; developing and implementing a mechanism to encourage employers to hire such persons; making vocational training available to such persons and assisting them to become self-employed; and developing modern technology networks in the areas of residence of internally displaced persons in order to build their skills in the field of computer applications.

122. Under article 78 of the Labour Code, article 7 of the social protection for the internally displaced and persons of equivalent status Act of 21 May 1999 and the presidential order of 1 July 2004 establishing the Government programme for improving the living conditions and employment of refugees and internally displaced persons, the

persons in question, where an organization's staff or number of workers is reduced, are entitled to keep their jobs on a preferential basis.

123. Since 2004, in the framework of the microcredit programme, microcredits have been granted and conditions for establishing a small business have been created for six thousand internally displaced persons. In the same period, 220 microprojects were launched with World Bank funds (totalling US\$ 12.7 million), through which 142.9 thousand internally displaced persons received material support.

124. Under paragraph 1.9 of the Government programme for improving the living conditions and employment of refugees and internally displaced persons, plans are being developed for the preparation of the Great Repatriation (or Great Return) programme with the participation and financial support of international financial institutions, agencies of the United Nations system and international and local humanitarian organizations in view of the return of the internally displaced persons to their place of origin. The work involved consists in mine clearance, establishing procedures for the voluntary and safe return of the persons displaced from the occupied territories, setting up a mechanism for property return, restoration and compensation, ensuring reintegration, and planning and implementing the process of return.

125. The implementation of the Great Repatriation programme is to begin once Armenia relinquishes the occupied Azerbaijani territories.

126. As a result of the measures taken, the level of poverty among internally displaced persons decreased from 74 to 35 per cent. In the last five years, 72,647 refugees and internally displaced persons were provided with work.

127. With regard to the social protection of citizens who are particularly in need of social protection, especially persons with disabilities, helping them to find work is a key component of Government action. The main objective of policy in that area is the creation of the conditions necessary for full utilization of the potential of that group through the labour market.

128. On 2 October 2008, Azerbaijan acceded to the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

129. A legal and regulatory framework currently in force provides disabled persons with guarantees regarding employment and access to the labour market, and provides advantages in relation to their recruitment.

130. A quota system for the employment of persons particularly in need of social protection and encountering difficulties in finding work and a list of enterprises exempt from such quota were adopted by a Cabinet of Ministers decision of 22 November 2005.

131. Under the afore-mentioned employment strategy, 2006–2015, approved by a presidential decree of 26 October 2005, and the Government programme for employment strategy implementation, 2007–2010, adopted by a presidential decree of 15 May 2007, measures are taken to strengthen the social protection of vulnerable social strata, including persons with disabilities.

132. Within the framework of the said strategy and programme, steps are taken to create conditions favourable to the social integration and increased employment of disabled persons; draw up an action plan for enhancing their employment; prepare psychological and professional tests to facilitate hiring the unemployed, including persons with disabilities; in accordance with procedures laid down by law, establish hiring quotas to ensure the employment of persons particularly in need of social protection, especially disabled persons; encourage employers to comply with such quotas; and initiate administrative

proceedings laid down by law against enterprises, establishments and organizations disregarding the quota or refusing to hire persons in the above category.

133. Azerbaijan is the only Commonwealth of Independent States (CIS) country to be included by ILO in the list of ten lead countries of the Youth Employment Network (YEN). Within the framework of the above programme, steps are taken to develop and introduce specific projects aimed at ensuring the employment of disabled persons, strengthening their integration into the labour market, providing them with decent work, and developing and introducing specialized training for the most vulnerable population groups on "Starting and promoting a business".

134. According to a sociological study carried out in 2006 by the Government committee on statistics with ILO technical support, the number of economically active job seekers aged 15–34 was 191,580, fewer by 88,000 than in 2003.

135. Since 2006, the Ministry of Youth and Sport organizes an annual national championship in the framework of the international Students in Free Enterprise (SIFE) programme in order to stimulate entrepreneurship among young persons. In that context, students launch up to 40 business projects every year. To date, approximately 120 such projects were carried out in Baku and the regions, and more than 1,200 young persons were self-employed on a short-term basis.

136. From 24 to 27 September 2008, the Fourth Global Youth Employment Summit was held in Baku. The event was sponsored by the Ministry of Youth and Sport, the Heydar Aliyev Foundation and the international organization "Youth-Entrepreneurship-Sustainability (YES), Inc."

137. Such global youth employment summits are organized biennially as part of the YES Campaign, 2002–2012, mainly to create favourable conditions for the employment of young persons. During a summit, a youth employment strategy and action plan are developed and a forum is organized for ministers responsible for youth and labour policy. Key participants in the summits are representatives of youth organizations, international organizations, State bodies, transnational corporations, public actors and politicians.

138. The Fourth Global Youth Employment Summit was presided over by the first lady of Azerbaijan and Mrs. Suzanne Mubarak, first lady of Egypt, who chairs the Board of Trustees of the New Library of Alexandria.

139. The Youth employment promotion project includes the organization of a series of seminars, round tables and training courses on issues related to youth employment. In the Career centre for young persons, founded in November 2008 with the participation of the Ministry of Youth and Sport, Azerbaijan State Economic University and ILO, more than ten training courses have been organized on such topics as "Quality management", "Human resources administration", "Project administration", "International accounting standards" and "Starting and promoting a business"; and presentation meetings with major domestic commercial companies and banks have taken place.

140. In the period 2006–2008, more than 1,100 young persons were hired in their areas of specialization through "The graduate", an annual jobs fair organized in the Azerbaijan State Economic University.

141. The preparation of a National youth-employment promotion plan is a priority objective of cooperation between the Ministry of Youth and Sport and ILO.

142. The Ministry of Youth and Sport funds projects launched by youth organizations engaged in the development of entrepreneurial initiatives and employment among young persons. In the framework of the projects thus funded, which have inter alia included "Career days", "Action for career development" and "Establishment of the Youth

Employment Resource Centre", more than 1,500 young persons acquired experience and skills necessary for seeking work or developing their careers. The Ministry also organizes on an annual basis special training courses for young persons discharged from the armed forces.

## **Article 7**

143. The Labour Code of the Azerbaijani Republic defines the overall system for the remuneration of labour and the minimum wage system.

144. Under article 154 of the Labour Code, wages are the total daily or monthly amounts in cash or in kind, plus supplements, bonuses and other payments, that an employer pays to an employee for work performed (or services rendered) by the employee under a labour contract during a given period of time.

145. Reduction of an employee's wages in any way contrary to the rules on the inadmissibility of discrimination laid down in article 16 of the Labour Code and the setting of a wage lower than the minimum established by the State are prohibited.

146. Under article 155 of the Labour Code, employees are, without discrimination, entitled to receive for their work wages no lower than the minimum wage set by the State. That minimum wage is defined by law as a social norm establishing, in the light of economic and social conditions, the lowest monthly pay for unskilled labour or services. Employees who, in the course of a month, have performed their duties for the specified period of time may not be paid less than the minimum wage set by the State. Collective agreements and contracts may provide for minimum wage levels above the State minimum. The minimum wage does not include bonuses, wage supplements, wage increases provided for in the wage system or overtime payments. The national minimum wage is set by the President of the Republic.

147. Since 2001, a general collective agreement is concluded through a trilateral procedure involving the Cabinet of Ministers, the Azerbaijan Confederation of Trade Unions and the National Confederation of Entrepreneurs' (Employers') Organizations. The General Collective Agreement for 2008–2009 currently in force provides for the gradual alignment of the minimum wage with the standard market basket and with the requirements of the revised European Social Charter.

148. Since the minimum wage system covers all categories of workers, including approximately 600,000 persons financed from the State budget, the scope available under the national budget is borne in mind in setting the minimum wage.

149. The first step for setting the minimum wage consists in an analysis of the financial and economic situation, covering the general level of wages in the country, the rate of inflation, the value of the standard market basket and the levels of social benefits and pensions.

150. The analysis, carried out by the Ministry of Labour and Social Protection, the Finance Ministry, the Ministry of Economic Development and the State Fund for Social Protection, is transmitted to the Cabinet of Ministers. In that connection, consultations are held with trade unions and employers.

151. The Cabinet of Ministers then prepares proposals and transmits them to the Executive Office of the President of the Republic.

152. Monitoring of compliance with the established minimum wage is the responsibility of the State Labour Inspectorate, a unit of the Ministry of Labour and Social Protection.

Table 11  
Average monthly wage, 1995–2008

	Average monthly wage in AZN	Average monthly wage in US\$
1995	12.5	15.63
2001	52.0	22.37
2002	63.1	78.88
2003	77.4	96.75
2004	99.4	120.5
2005	123.6	154.5
2006	149.0	186.25
2007	215.8	269.75
2008	268.0	335

Table 12  
Minimum wage, 1995–2008

Periods	Average monthly wage in AZN	Average monthly wage in US\$
From 1 February 1995	1.1	1.37
From 1 January 2001	5.5	6.88
From 1 September 2003	9.0	11.25
From 1 January 2004	12.0	15
From 1 July 2004	20.0	25
From 1 January 2005	25.0	31.25
From 1 October 2005	30.0	37.5
From 1 January 2007	40.0	50
From 1 February 2007	50.0	62.5
From 1 January 2008	60.0	75
From 1 September 2008	75.0	93.75

153. The minimum wage system is implemented through collective contracts (agreements) concluded between trade unions and employers at the enterprise, branch and national levels, and monitored by the State Labour Inspectorate.

154. Under article 156 of the Labour Code, wages paid to employees may not be smaller than the amounts set in their individual contracts or defined in a collective contract as the standard wage for their job.

155. Under article 157 of the Labour Code, employees may be paid according to the time worked, to the amount of work performed or to some other criterion. Their remuneration may be based on individual or collective performance. To promote the fulfilment of contractual obligations and efficient, high-quality work, monetary bonuses and other forms of additional compensation may be awarded if performance over the course of a year so warrants. Total pay comprises standard monthly pay, any supplements thereto, and bonuses. Standard pay comprises the bulk of an employee's remuneration and is set according to the difficulty and stressfulness of the job and the employee's skill level. A supplement is an amount of money paid in addition to the standard pay as compensation for working conditions or as an incentive. A bonus is an amount of money that is paid according to the

procedure and in the form specified in the wage system in order to encourage improvement in the quantity and quality of work.

156. Under article 158 of the Labour Code, types and systems of remuneration for work, standard pay rates, pay supplements, bonuses and other incentive payments must be defined in collective agreements and labour contracts. In the absence of a collective agreement, they must be defined in the labour contract or by agreement between the employer and the trade union. The systems, types and levels of remuneration of workers at enterprises financed from the national budget are fixed by the Cabinet of Ministers. The workers' pay depends on the results of their work, their efficiency and their qualifications and may not be capped.

157. The "Programme for decent work through cooperation with ILO, 2006–2009" includes measures for developing and implementing special training activities to ensure employment among various population groups; for conducting pilot projects to promote self-employment, encourage entrepreneurship and facilitate integration into the labour market among persons particularly in need of social protection; and for providing workers with decent employment.

158. Under article 35 (6) of the Constitution, everyone has a right to safe and healthy working conditions and, without any discrimination, to remuneration at least equal to the minimum wage set by the State.

159. Under article 35 (7) of the Constitution, the unemployed are entitled to social benefits from the State.

160. Article 35 of the Constitution guarantees the principle of equal pay for work of equal value.

161. An employer or other physical person who discriminates among workers in labour relations may be held liable as provided for by law.

162. Labour is subject to norms. Those norms are set such that the work required of an employee can be done within a normal full working period and that the employee's remuneration will not be less than the minimum wage set by the State.

163. Employers must precisely and unambiguously identify the functions or services in one or more posts, areas of specialization or occupations that, under the labour contract, are expected of the employee.

164. Employees' job descriptions are determined on the basis of the Unified Rates and Qualifications Handbook as approved by the Ministry of Labour and Social Protection or the employer.

165. The Unified Handbook contains descriptions of the work to be done in given occupations or posts and of the knowledge and level of education required to do it. It is used in determining what relationship an employee's remuneration should bear to his or her qualifications and to the difficulty of the work to be performed. The higher the qualifications, the higher the wage.

166. Under article 35 (6) of the Constitution, everyone has a right to safe and healthy working conditions.

167. Under article 208 of the Labour Code, occupational safety standards and regulations defined by the Code and other regulations must be applied at all workplaces of the following persons:

- (a) Workers;
- (b) Tertiary- and secondary-level students gaining work experience;
- (c) Convicted persons working in penal institutions;



(d) Persons involved in clean-up operations after natural disasters, military conflict or states of emergency.

168. The technical safety Act of 2 November 1999, the hygiene and disease control Act of 10 November 1992 and the tuberculosis control Act of 2 May 2000 lay down minimum conditions with respect to health and safety at work.

169. As defined in article 3 (10) of the Labour Code, the concept of occupational safety refers to the system of safety, health, hygiene and preventive measures, rules and standards provided for in the Code and other laws and regulations and in collective contracts or agreements or individual employment contracts for the purposes of securing the employees' right to a safe and healthy work environment.

170. Under article 54 of the Labour Code, employers must meet the following conditions so that employees may fulfil their tasks: compile lists of job titles, including titles of specialized jobs, and tables of pay rates; establish a system of payment for work; establish work and work evaluation standards; create workplaces and working conditions consistent with health standards; comply with safety and health standards; ensure that it is possible for employees to complete their work within the normal working time defined in the Code; allow employees the rest and holiday time defined in the Code; give employees the compulsory State social insurance coverage provided for by law; and ensure the conditions referred to in contracts, whether the latter are individual or collective.

171. Article 215 of the Labour Code provides that owners of enterprises and employers are directly responsible for the employees' compliance with occupational health and safety rules at the workplace, and must take the following measures:

- Ensure fulfilment of all of the requirements of occupational safety standards, rules and regulations;
- Ensure the safety of buildings, structures, processes and equipment;
- Ensure that workplaces meet current occupational health and safety rules;
- Provide employees with the requisite sanitary and health facilities;
- Issue employees who work in harmful or arduous conditions or underground with free functional foods, milk or other equivalent products and ensure that they have normal work and rest periods;
- Issue employees at the established times with the requisite special clothing, footwear and other personal protection devices;
- Verify employees' training in, and knowledge of, occupational safety and health standards and rules and promote occupational health and safety;
- Include occupational health and safety rules in collective agreements and ensure the discharge of the obligations they entail;
- Submit at the times and in the form specified by the Ministry of Labour and Social Protection statistical reports on occupational health and safety and working conditions and on the measures taken to bring them into line with current standards;
- Submit at the times and in the form specified by the relevant executive authority statistical reports on the results of measures to bring occupational health and safety and working conditions into line with current standards.

172. Under article 238 of the Labour Code, employers may, in the cases and manner provided for by law, be held administratively and criminally liable for failure to provide healthy and safe working conditions for their employees at their places of employment and for failure to implement measures provided for in a collective contract.

173. Under 239 of the Labour Code, employers who are wholly or partly responsible for workplace accidents or occupational diseases must pay the employees concerned full compensation for the damage they suffer, whether it be as a result of physical injury or of other impairment of their health; make good the expenditure incurred by social insurance authorities in connection with treatment, pensions or allowances; and defray the other additional costs provided for in the national Civil Code.

174. The payments to employees whose health is impaired and the payments to the family and other dependants of employees who die as a result of an industrial accident or occupational disease for which an employer is responsible must be made in the manner laid down in law. The procedure and conditions for, and amounts of, those payments are set out in rules approved by the Cabinet of Ministers.

175. The entitlement to such payments does not extend to employees or dependants of employees who have or had through their employer compulsory personal insurance under the law. When such employees' health is impaired by reason of their working conditions or of the infringement of health and safety rules, they and their families are paid compensation according to the procedure and in the amounts stipulated in the relevant insurance contract.

176. Under article 310 of the Labour Code, employees, employers and other physical persons incur, for the infringement, restriction in any manner or form or abuse of the rights established by the Labour Code and other laws and regulations forming part of the system of labour law or for failure to perform the duties or jobs specified in a labour contract, material, disciplinary, administrative and criminal liability as provided for by law.

177. Under article 312 of the Labour Code, employees, employers or other physical persons who violate labour law may be held accountable in the cases referred to in the Code of Administrative Offences.

178. Every worker has the possibility to be promoted on the basis of seniority, experience and qualifications. The State takes all measures to ensure implementation of this principle.

179. Under article 37 of the Constitution, everyone has the right to rest. Persons working under a labour contract are guaranteed the legally established working day, which shall not exceed eight hours, as well as rest days, public holidays and the granting at least once a year of not less than 21 calendar days' paid leave.

180. However, article 91 of the Labour Code entitles certain categories of employees to shorter working hours. It provides that the Labour Code, other rules and regulations or collective or individual labour contracts may specify shorter working hours for particular categories of employees, depending on their age, health, working conditions, duties or other circumstances.

181. For employees under the age of 16 years, working time may not exceed 24 hours a week. For persons between the ages of 16 and 18, persons with category I or II disabilities, pregnant women and women with children aged less than 18 months, working time may not exceed 36 hours a week.

182. Under article 103 of the Labour Code, employees must be given a rest and meal break in the course of the working day (shift). The time and duration of the break shall be as determined by the enterprise's internal rules, the shift schedule or the individual or collective labour agreement. If, because of the nature of working conditions, no time or duration can be set for a break, the employer must make it possible for employees to eat. Employees must have at least 12 hours rest between any two successive working days. In the event of shift work, the duration of rest time shall be governed by the shift schedule. Rest and meal breaks are not counted as working time. Employees may use their rest and meal breaks as they see fit.

183. Under article 104 of the Labour Code, all employees must be given the opportunity to take a period of unbroken rest between workweeks. There must be two rest days between five day workweeks and one rest day between six-day workweeks. The duration of the weekly period of unbroken rest must be not less than 42 hours. In cases where it is necessary to count up working time, rest days shall be granted in the light of the shift schedule agreed with the trade union; at workplaces where there is no trade union, the relevant procedure shall be governed by the labour agreement.

184. Under article 105 of the Labour Code, public holidays are not considered working days. The following are celebrated as public holidays in Azerbaijan:

- 1 and 2 January      New Year's Day
- 8 March              Women's Day
- 9 May                Victory over Fascism Day
- 28 May                Republic Day
- 15 June               Day of National Salvation of the Azerbaijani People
- 26 June               Armed Forces Day
- 18 October          National Independence Day
- 12 November        Constitution Day
- 17 November        National Revival Day
- 31 December        World Azeri Solidarity Day
- Novruz                2 days
- Gurban                1 day
- Ramadan             1 day.

185. New Year's Day, Women's Day, Victory over Fascism Day, Republic Day, Day of National Salvation of the Azerbaijani People, Armed Forces Day, World Azeri Solidarity Day, Novruz, Gurban and Ramadan are considered public holidays. Work during public holidays may be allowed only in exceptional cases, specified in the Labour Code. By the end of December, the authority responsible sets and publicly announces the dates for Novruz, Gurban and Ramadan in the next year. Where a public holiday coincides with a rest day, the rest day is carried over to the workday following immediately after the public holiday. Where Gurban or Ramadan coincide with another public holiday, the following workday is considered a rest day. Where public holidays and rest days follow each other, the Cabinet of Ministers may decide to change the order of workdays and rest days in the interests of consistency.

186. Under article 107 of the Labour Code, other than in the exceptional circumstances referred to in article 101, paragraphs (a) and (b), of the Code and in the case of work at continuous manufacturing facilities, commercial or public catering establishments and communications, transport or other service enterprises, employees may not be required to work on their rest days, public holidays or the Day of National Mourning.

187. Under article 101, paragraphs (a) and (b), of the Labour Code, overtime is only permissible when there is vital work to be done for the purposes of national defence or to prevent or respond to natural disasters or industrial accidents or when work is needed in response to unforeseen events that have interrupted operation of water, gas or electricity supplies at heating, sewage, telecommunications or other utility plants.

188. Under article 108 of the Labour Code, at other places of employment the working day shall, except in the cases referred to in articles 91–93 of the Code and regardless of the number of working days in the week, be shortened by one hour on the eve of any of the public holidays listed in article 105 of the Code and of the Day of National Mourning. It also provides that, at enterprises working a six-day week, the workday on the eve of holidays shall not be longer than six hours.

189. Under article 109 of the Labour Code, as an exception from the above rule, employees who have to work on a rest day or a public holiday may, by agreement between the parties concerned, be compensated by the award of another day off or the payment of double time. Those having to work on the Day of National Mourning in the exceptional circumstances referred to in article 101 of the Code are paid double time.

190. Under article 110 of the Labour Code, employees are, regardless of their occupation or working conditions or the duration of their contract, entitled to the leave provided for in the Code. Employees who have more than one job have the same entitlement. All limitation of the leave entitlements and procedure laid down in the Code is prohibited.

191. Article 111 of the Labour Code embodies legal guarantees concerning the exercise of leave entitlements. When they are on leave, employees keep their posts, functions and average wage in the cases provided for in the Code, their employer may not cancel their contracts and disciplinary measures may not be taken against them. Periods of leave count towards the employee's total time in employment, including in the case of specialized occupations. Both individual and collective contracts may contain additional guarantees for employees on leave.

192. Under article 112 of the Labour Code, employees are entitled to the following kinds of leave:

- (a) Ordinary leave, comprising basic and additional leave;
- (b) Social leave, granted to women for the purposes of childcare;
- (c) Study and creative leave, for the purposes of pursuing education and research;
- (d) Unpaid leave.

Both individual and collective contracts may provide for other kinds of leave.

193. Article 113 of the Labour Code defines ordinary leave as a break from work, which employees may use at their discretion to take normal rest, restore their capacity for work or preserve and strengthen their health. It may not be shorter than the Code allows and is calculated in calendar days. Ordinary leave comprises the basic annual leave that is granted to employees in a given occupation, plus the additional leave granted to employees because of the nature of their work or the duration of their service or to women with children. Basic and additional leave may be granted separately or together.

194. Ordinary leave is granted annually for the employment year in question. An employment year begins on the day the employee is hired and ends on the same day of the following year. An employee who applies for leave before the employment year has begun may not be granted it until the year has started. Only one period of ordinary leave may be granted per employment year. Employees who, in the course of one calendar year, become entitled to leave for two employment years may take the leaves for the employment years together or separately during that calendar year.

195. Article 114 of the Labour Code defines basic leave as the leave allowable for the occupation mentioned in the employee's contract. Paragraphs 2 and 3 of the article set the

minimum period of paid basic leave. Workers must be given paid basic leave of at least 21 calendar days.

196. Paid basic leave is set at 30 calendar days for the following worker categories:

- (a) Agricultural workers;
- (b) Senior public servants (the degree of seniority being determined by the employer in the light of the characteristics of the job) and, in the case of enterprises, managers and specialists;
- (c) In the case of educational institutions other than those subject to special regulations, managers and non-teaching administrative staff, and managers of pre-school institutions;
- (d) Specialists in teaching methods, senior and other vocational instructors, librarians, laboratory technicians, workshop supervisors, cleaning staff, linen-keepers and arts directors at educational establishments;
- (e) Scientific workers without academic degrees;
- (f) Doctors, middle-level medical personnel and pharmacists.

197. Part-time employees (those who do not work a full working day or week) are granted the same basic leave as full-time employees in the same type of job.

198. Holidays occurring during the leave period are considered rest days, are not included in the calendar days of the leave and are not paid.

199. Under article 115 of the Labour Code, persons who work underground or in hazardous or arduous conditions or whose work involves heightened emotion, excitement or mental or physical stress are entitled to at least six calendar days of additional leave, depending on their working conditions and the nature of their employment. The duration of additional leave in view of working conditions or special characteristics of tasks must be at least six calendar days. The list of unhealthy or arduous industries, occupations and jobs which give rise to an entitlement to additional leave is subject to the approval of the Cabinet of Ministers, which also fixes the number of days of leave to be awarded.

200. Under article 116 of the Labour Code, the entitlement to additional leave depends on the length of time a person has been in work, as follows:

- (a) From 5 to 10 years' service: 2 calendar days;
- (b) From 10 to 15 years' service: 4 calendar days;
- (c) More than 15 years' service: 6 calendar days.

201. Under article 117 (1) of the Labour Code, however much basic and additional leave they may have on other grounds, women are entitled to two calendar days of additional leave if they have two children aged below 14 years and to five calendar days of additional leave if they have three or more children aged below 14 or a handicapped child aged below 16 years. Those entitlements also apply to fathers who are bringing up children alone and to adoptive parents. Entitlements under the article remain valid until the end of the calendar year in which any of the children concerned turns 14. The entitlements do not apply to employees of the kinds listed in articles 118–121 of the Code.

202. Under article 118 of the Labour Code, the following workers are entitled to 56 calendar days of basic leave:

- (a) Senior staff, educators, instructors, musical directors, concert masters, accompanists, choirmasters and other music staff at teaching establishments who perform at least one third of a normal annual teaching load;

- (b) Teachers in all disciplines and of all kinds (except sports coaches);
- (c) Leaders of children's associations, holders of masters degrees, psychologists, speech therapists, teachers of the deaf;
- (d) Educators at teaching establishments (other than boarding schools), instructors in language laboratories, circle leaders, military training instructors for tertiary-level students, physical education instructors;
- (e) Workers of social protection agencies and health-care organizations who are directly involved in teaching activities;
- (f) Doctors of science working as researchers, project managers, deputy project managers or scientific secretaries in research establishments or the research departments of university-level institutions;
- (g) Independent researchers engaged in research authorized by a relevant academic board.

203. The following workers are entitled to 42 calendar days of basic leave:

- (a) Senior staff, educators, music directors and psychologists at children's homes or pre-school teaching establishments;
- (b) Managers, methods specialists and instructors at teaching methods centres;
- (c) Educators at residential schools;
- (d) Group and activity leaders in children's out-of-school facilities;
- (e) Sports coaches;
- (f) Candidates of Science working as researchers, or scientific secretaries in research establishments or in the research departments of university level institutions.

204. Under article 119 of the Labour Code, workers under the age of 16 years are entitled to at least 42 calendar days of basic leave and workers between the ages of 16 and 18 to at least 35 calendar days of such leave. Regardless of the category or duration of their disability, disabled persons who are in employment are entitled to at least 42 calendar days of basic leave.

205. Article 120 of the Labour Code fixes the duration of basic leave for employees recognized as having rendered special service to Azerbaijan. Pursuant to this article, employees who have sustained permanent physical injury in the cause of the freedom, sovereignty or territorial integrity of the Azerbaijani Republic, National Heroes of Azerbaijan, Heroes of the Soviet Union, and employees awarded the Order of Independence or other State honour in connection with the defence of the sovereignty and territorial integrity of the Azerbaijani Republic are entitled to at least 46 calendar days of basic leave.

206. Under article 121 of the Labour Code, performers and other members of the artistic staff of theatre troupes or television, radio or film companies are entitled to 42 calendar days of basic leave and stagehands and their counterparts to 35 days.

207. Under article 164 of the Labour Code, work on rest days, public holidays and the Day of National Mourning must be paid as follows:

- (a) For workers on a time-rate system, at not less than twice the daily rate;
- (b) For workers on a piece-work system, at not less than twice the rate per piece;
- (c) For workers on a monthly-salary system: if the standard monthly working time is not exceeded, at the monthly rate plus the standard daily rate for the worker's

category; if the standard monthly working time is exceeded, at the monthly rate plus at least twice the standard daily rate for the worker's category.

208. The article further provides that workers who work on a public holiday or on the Day of National Mourning may, if they so wish, be given a day off in lieu of money.

209. Azerbaijan is a party to the following ILO Conventions: No. 131 (Minimum Wage Fixing Convention, 1970); No. 100 (Equal Remuneration Convention, 1951); No. 14 (Weekly Rest (Industry) Convention, 1921); No. 106 (Weekly Rest (Commerce and Offices) Convention, 1957); and No. 52 (Holidays with Pay Convention, 1936). The country's reports on the implementation of these conventions are submitted to ILO in accordance with the schedule established by that organization.

## Article 8

210. Under article 58 (1) of the Constitution, everyone is free to associate with others.

211. Under paragraph 2 of the same article, everyone may establish any association, including a political party, a trade union or other public association or to join an existing organization. Unrestricted activity of all associations is guaranteed.

212. In articles 1, 3 and 16 of the trade unions Act of 24 February 1994, trade unions are defined as independent and non-political social organizations that are formed voluntarily, on the principle of individual membership of workers active in the processing or non-processing sectors and of pensioners and trainees, for the purposes of protecting their members' labour, social and economic rights and lawful interests at their places of work, in their professions or sectors or at national level, and that act on the basis of their own statutes and of the trade unions Act.

213. Under the trade unions Act, the right to form a trade union and to adopt its charter may be exercised when at least seven persons voluntarily agree to found a trade union for the pursuit of the objectives referred to in article 1 of the Act.

214. Persons performing military service are not permitted to form trade unions.

215. Amendments were made to the trade unions Act on 10 October 2006. The restriction of the right of trade unions to engage in political activity was removed. The sole restrictions maintained concern the trade union leaders. Namely, they may not simultaneously be leaders of a trade union and a political organization but are free to choose to carry on either activity.

216. Members of the procuratorial service are entitled to form trade unions under article 32 (6) of the Service in the Procuratorial System Act of 29 June 2001, and so are customs officers under paragraph 43 of the Regulations on Service in Customs, as approved in an Act dated 12 June 2001

217. Tax officials are entitled to form trade unions under paragraph 33 of the Regulations on Service in Tax Authorities, as approved in an Act dated 12 June 2001.

218. Under article 5 of the trade unions Act, in their activities, trade unions are independent of, and are not subordinate to, State bodies, institutions, political parties or voluntary associations. Other than in the cases provided for in the Act, all interference that may hinder the exercise of trade unions' rights is prohibited.

219. Workers, retired workers and trainees may without any distinction voluntarily create at their discretion and without prior permission trade unions or join trade unions for the protection of their legitimate interests or their work-related, social and economic rights, or engage in trade union activity.

220. The charters of trade unions lay down the procedures for trade union membership of non-working retirees and unemployed workers.

221. Under article 16 of the trade unions Act, trade unions may, in accordance with their charter objectives and activities, join international trade union organizations and engage in economic activities abroad as provided for by law.

222. As a member of ILO and the International Trade Union Confederation, the Azerbaijan Confederation of Trade Unions cooperates with 34 trade union associations in 29 countries.

223. Under article 36 of the Constitution, everyone has the right to strike individually or with others. For those employed on the basis of a labour agreement, that right may be restricted only in cases provided for by law. Soldiers and civilian employees of the armed forces or other military units of Azerbaijan may not strike.

224. Under the same article, individual and collective labour disputes are resolved through procedures established by the law.

225. Under article 270 of the Labour Code, workers may strike alone or with others. The right of workers or trade unions to strike commences when a collective labour dispute begins. If the parties agreed to resolve the collective labour dispute through peaceful means but did not succeed in doing so, a strike may be called.

226. If the employer needlessly delays peaceful resolution or fails to fulfil an agreement reached through peaceful means, the labour collective and trade unions may strike. Participation in a strike shall be voluntary. Individuals who compel other persons to participate or not participate in a strike shall be held accountable for such acts according to the law. Save in cases provided for in Article 275 of the Labour Code, striking workers may not be replaced by others. An employer may not organize or participate in strikes. In relation to a collective labour dispute or organization of a strike, it is prohibited to fire workers or abolish other jobs or proceed with the liquidation or reorganization of the enterprise where the collective labour dispute arose.

227. Employees of legislative authorities, related executive authorities, courts or law enforcement bodies may not strike. In penal enforcement institutions, sentenced persons may not stop to work and go on a strike to settle labour disputes.

228. Under article 20.1.7 of the public service Act of 21 July 2000, public servants may not participate in strikes or other action disrupting the work of State bodies.

229. Under article 280 of the Labour Code, the workers' right to strike may be restricted under martial law or during states of emergency. The article also prohibits holding strikes for political purposes other than in cases related to agreement on the general principles of national social and economic policy.

230. Article 281 (1) of the Labour Code prohibits strikes in certain service sectors (hospitals, electricity supply, water supply, telephone services, air or rail traffic control, and fire fighting) that are crucial to public health and safety. Should the parties to a collective labour dispute in any of those sectors be unable to resolve it by peaceful means, the dispute is submitted to compulsory arbitration.

231. Azerbaijan is also a party to the following ILO Conventions: No. 87 (Freedom of Association and Protection of the Right to Organize Convention, 1948); No. 151 (Labour Relations (Public Service) Convention, 1978); and No. 98 (Right to Organize and Collective Bargaining Convention, 1949). The country's reports on the implementation of these conventions are submitted to ILO in accordance with the schedule established by that organization.



232. The legal foundations for the conduct of collective negotiations with a view to the conclusion of collective agreements are laid down in the Labour Code.

233. Under article 25, paragraphs (1) and (2), of the Labour Code, trade union organizations, labour collectives, employers, relevant organs of authority and bodies representing employers have the right to propose collective bargaining with a view to the preparation, conclusion or amendment of collective contracts and agreements. The initiating party must inform the other party in writing of the commencement of the relevant negotiations. The party notified must enter into negotiations within 10 days of the receipt of the notification.

234. By virtue of their rights with respect to the drafting and conclusion of collective contracts, trade unions have considerable scope to influence the protection of employees' labour, economic and social rights, since labour law permits collective contracts to go beyond current legislation in guaranteeing the workers' labour and social rights.

235. Exercising the right to conclude collective agreements, the Cabinet of Ministers, the Azerbaijan Confederation of Trade Unions and the National Confederation of Entrepreneurs' (Employers') Organizations signed the General Collective Agreement for 2008–2009.

236. According to Azerbaijan Confederation of Trade Unions data, 76 pay-scale and 12,619 collective agreements, covering 965,037 confederation members, had been concluded as at 1 January 2009.

## Article 9

237. Under paragraph 1 of article 38 ("Right to social protection") of the Constitution, everyone is entitled to social protection.

238. Under paragraph 3 of the same article, everyone is entitled to social protection upon attaining an age established by law and in the event of illness, disability, loss of the breadwinner, loss of the ability to work, unemployment or other cases provided by law.

239. Under the same article, the minimum amount of pensions and social benefits is established by law; and the State creates possibilities for the development of charitable activities, voluntary social insurance and other forms of social protection.

240. Social protection reforms have been carried out successfully. Under the Employment Pensions Act and the Social Benefits Act, both of which entered into force on 7 February 2006, a distinction is drawn between social pensions, which are financed from the budget, and employment pensions, based on compulsory social insurance contributions.

241. Under article 4.01.8 of the Social Benefits Act, benefits are granted and paid out for children up to age 16 (or 18, if the child is enrolled in a general education establishment on a full-time basis), whose parents:

- (a) Perished while defending the territorial integrity of the country or the constitutional system, or as a result of the events of 20 January 1990;
- (b) Are disabled war veterans;
- (c) Are persons with category I and II disabilities as a result of the Chernobyl nuclear plant disaster clean-up operations;
- (d) Are currently engaged in military service.

242. A lump-sum benefit is paid to one of the parents upon the birth of a child.

243. Under article 4.0.1.9, the guardians or custodians of children who have lost their parents and are deprived of parental care receive a monthly benefit; and a benefit is paid to low-income families with a child up to one year of age.

244. Disability benefits are granted and paid:

- For general illness;
- For illness contracted during military service;
- For work-related injury or occupational disease;
- For illness or disability resulting from presence in a military operations zone;
- For illness or disability resulting from the Chernobyl nuclear plant disaster clean-up operations;
- For illness or disability resulting from military service at the Chernobyl nuclear plant;
- For illness or disability resulting from defending the country's territorial integrity, independence or constitutional system;
- For illness or disability resulting from the events of 20 January 1990;
- To disabled children under the age of 18.
- To disabled veterans.

245. The disability benefit received for consequences of the Chernobyl nuclear plant disaster suffered during one's military service is supplemented with compensation for municipal, transport and other services.

246. Benefits also include an old age allowance and a funeral grant. Moreover, if a deceased person had been receiving an employment pension, his or her family obtains a benefit equal to three times the basic part of the pension at the time of the beneficiary's death.

247. Under a presidential decree of 27 August 2008, the amount of social benefits increased for certain categories of beneficiaries, namely:

- (a) Employment pension beneficiaries, and holders of the title of war veteran for their participation in military operations for the territorial integrity of Azerbaijan;
- (b) Persons with category I and II disabilities resulting from having suffered consequences of the Chernobyl nuclear plant disaster while in active military service;
- (c) Children of soldiers in active military service;
- (d) Guardians of children having lost their parents and deprived of parental care;
- (e) Low-income families with a child up to one year of age;
- (f) Other beneficiaries.

248. Under the same presidential decree, radiation victims receive a benefit for treatment once a year.

249. Under article 8 of the Social Benefits Act, the amount of social benefits is increased at least once a year.

250. The amount of social benefits was increased on 1 January 2006, 1 February 2007 and 1 September 2008 by presidential decrees.

Table 13  
**State social benefits**  
 (Data of the Ministry of Labour and Social Protection, beginning of year)

	2007		2008		2009	
	<i>Number of social benefit recipients</i>	<i>Average monthly amount of benefit (AZN)</i>	<i>Number of social benefit recipients</i>	<i>Average monthly amount of benefit (AZN)</i>	<i>Number of social benefit recipients</i>	<i>Average monthly amount of benefit (AZN)</i>
<b>Total social benefits</b>	<b>259 712</b>	<b>17.4</b>	<b>275 402</b>	<b>23.35</b>	<b>287 375</b>	<b>34.26</b>
Including benefits for/to:						
Old age	20 084	20.0	19 890	30.0	18 720	45.0
Disability	84 522	19.4	84 848	25.0	89 554	35.6
Disabled children up to 16 years of age	48 479	25.0	x	x	x	x
Children with health limitations, up to 18 years of age <sup>1</sup>	x	x	55 066	35.0	56 433	50.0
Loss of family breadwinner	25 793	20.0	28 583	25.0	30 414	40.0
Public servants (lifelong benefits)	53	13.8	56	16.96	58	21.15
Workers of State enterprises privatized or placed under management, suffering as a result of a work-related injury or occupational disease; or family members or other dependents of a worker who died from such a cause	x	x	x	x	368	49.02
Municipal, transport and other services	51 996	11.1	54 056	14.83	54 979	24.3
Low-income families with children (monthly benefits)	24 364	6.1	25 431	6.36	23 481	6.43
Low-income families with a child up to 1 year of age	3 161	10.0	6 280	15.0	12 238	20.0
Guardians of children without parents and deprived of parental care	1 260	5.0	1 192	10.0	1 130	25.0
<b>Total lump-sum benefits</b>	<b>101 677</b>	<b>x</b>	<b>97 250</b>	<b>x</b>	<b>100 172</b>	<b>x</b>
Including:						
Benefits for families on the birth of a child	90 968	x	86 861	x	89 167	x
Benefits for children	94 909	28.8	90 171	32.65	93 035	36.59
Benefits for treatment of persons disabled as a result of radiation due to a disaster (annual benefits)	4 986	110.0	4 984	110.0	5 093	113.4
Funeral grants	1 782	60.0	2 095	63.42	2 044	71.11

<sup>1</sup> The children's age criterion changed under the children's rights Act.

251. On 1 July 2006, targeted State social assistance began to be granted to low-income families.

252. Under article 4 of the targeted State social assistance Act, equality is one of the three basic principles governing social support.

Table 14  
**Targeted State social assistance to low-income families**

	<i>Beginning of year</i>		
	<i>2007</i>	<i>2008</i>	<i>2009</i>
Number of families granted targeted State social assistance	48 705	78 092	163 409
Number of family members having targeted State social assistance	218 673	364 059	749 965
Of whom, women:	83 529	168 007	387 609
Average monthly per capita amount of targeted State social assistance (AZN)	8.36	17.38	22.0

253. As of 2009, targeted State social assistance had been granted to 163,409 families (9 per cent of which were refugee families) with a total of 749,965 family members. The per capita and per family benefit amounted to, respectively, AZN 22 (US\$ 27.5) and AZN 101 (US\$ 126.25).

254. Under article 77 of the Labour Code, if an employment contract is terminated in the cases specified in article 70, paragraphs (a) and (b) (enterprise liquidation or enterprise personnel reduction), the workers receive:

(a) Severance pay at least equal to the average monthly wage;

(b) The average monthly wage for the second and third months after dismissal until a new job is found.

255. If an employment contract is terminated in the case specified in article 68 (2) (b) (change in working conditions) and 74 (1), subparagraphs (a) and (c), (conscription, and worker's inability to carry out work for more than six months without interruption as a result of full disability), the employer pays the worker a benefit at least equal to twice the average monthly wage. In the event that a worker dies, the survivors receive a benefit at least equal to three times the average monthly wage. Where the employment contract is terminated under article 68 (2) (d) (change in the ownership of the enterprise), the employer pays the worker compensation at least equal to three times the average monthly wage.

256. Benefits for a work-related injury are paid on a monthly basis by the employer responsible from the employer's own funds, and are increased by supplements for the costs of treatment, nutrition and prosthetics. By a Cabinet of Ministers decision of 9 January 2003, no lump-sum benefit is paid out.

257. The monthly benefit is calculated on the basis of average monthly earnings for each per cent unit of loss of ability to carry out (professional or general) work. In the event of death of the victim, the survivors receive 100 per cent of average earnings.

258. In collective agreements and labour contracts, enterprises and organizations may provide for higher damages to victims. Such payments are independent of the victim's degree of responsibility and are carried out regardless of other payments, including wages, pensions or other benefits.

259. Occupational disease damages are granted according to a similar procedure, and to an analogous extent.

260. Under article 125 of the Labour Code, employers must provide compulsory social insurance to workers according to procedures and under conditions specified by the law; and compulsory insurance against industrial accidents and occupational diseases to workers

employed at high-risk jobs. The list of workers subject to compulsory insurance against accidents and occupational diseases and the amount of insurance coverage are laid down in the collective agreements or employment contracts and are based on agreements signed with insurance organizations.

261. The resolution of the social problems of refugees and internally displaced persons is a major challenge for the country. Constantly aware of that challenge, the Government takes consistent and targeted measures in that area.

262. The Government programme for resolving the problems of refugees and internally displaced persons, adopted in 1998, the Government programme for improving the living conditions and employment of refugees and internally displaced persons, adopted in 2004, and the 2007 Annex to that programme have contributed considerably to the social protection of internally displaced persons.

263. Of the US\$ 607.5 million spent on building new settlements for internally displaced persons in the last five years, US\$ 183.5 were spent in 2008.

264. In the period 2001–2008, 61 settlements with 17,000 homes and appropriate social infrastructure were built for refugees and internally displaced persons. The country's last tent camps were dismantled in December 2007.

265. In the last five years, jobs were provided to 72,647 refugees and internally displaced persons.

266. During the same period, US\$ 1,250 million were allotted to the social protection of refugees and internally displaced persons (namely US\$ 667.7 million from the State budget and US\$ 582.5 million from the State oil fund).

267. Cooperation with the World Bank has been successful, particularly on social protection projects. A new project entitled "Pensions and social support", launched in early 2009 and covering the period up to 2013, includes plans for institutional capacity building and enhanced training for the staff of the State bodies concerned and for improved labour-market and social protection services through better and more effectively targeted social support programmes.

268. In the period 2003–2005, pilot and preparatory activities were launched with a view to basing the country's retirement and insurance system on personalized accounting. A new system of employment pensions, based on social insurance relations, was launched on 1 January 2006.

269. The key element of the new system is that it correlates the social insurance payments, based on personalized accounting, received by every insured individual, with his or her pension entitlement, and that, by thus granting pensions on that accounting basis, ensures the equitable and transparent exercise of the citizens' rights to social protection. That system enables every citizen, and aliens, who receive income from Azerbaijani sources, to participate in the social insurance scheme and exercise their rights to obtain decent pensions and benefits.

270. The introduction of the new social insurance system has in particular been characterized by social justice through the protection of the pension rights of the previous system's pension beneficiaries and the unrestricted integration of those rights into the new framework. As a result of measures taken to that effect, pensions under the earlier system were fully aligned with the new rules. At the same time, the fringe benefits of all employment pension beneficiaries entitled to such benefits were increased.

271. Changes in the mechanism for increasing pensions under the new pension system in line with market economy requirements, namely across-the-board raises equal at least to the consumer price index rate of change in the basic pension component not less frequently

than once a year and the indexation of the insurance component, made it possible to disengage the employment pensioners' current income from pension fund protection against inflation.

272. As part of the reforms carried out, the transfer as from 1 January 2006 to the State Social Insurance Fund of the administration of social benefit payments, made by using State social insurance obligatory contributions of establishments and organizations, has eliminated problems related to the payment of pensions and benefits to the workers at the place of work, and cases of arrears in the disbursement of social benefits. Such disbursements were organized on a new basis, including the use of social insurance cards. Moreover, the unsound practice of paying employment pension beneficiaries 50 per cent of the pension was discontinued and the beneficiaries have started to receive their pensions in full.

273. Since 1 January 2006, pensions are calculated without applying wage limitations.

274. Since 1 January 2007, military and special commission personnel are subject to compulsory State social insurance, enjoy social benefits and are entitled to a public servant's pension. The process of creating a unified retirement and insurance system in the country has thereby been completed, and all individuals may use the advantages offered by that system.

275. Since 2004, measures taken in the area of protection of the social rights of pensioners include the use of contemporary technologies in the payment of pensions. Such measures eliminated many problems related to the payment of pensions. Currently, all urban and 91.3 per cent of rural pensioners, namely an average of 95 per cent of all pensioners or 1,075 persons, use social insurance cards to receive their pensions.

276. Azerbaijan's retirement and insurance model has been praised by important international organizations and financial institutions and is recommended as a model for countries in transition.

277. In September 2004, Azerbaijan was elected to the bureau of the International Social Security Association; and in September 2005 the European meeting of that association was held in Baku.

278. In June 2007, the World Bank organized in its headquarters an extensive presentation of Azerbaijan's retirement and insurance system, holding for the first time such an event for a CIS country. During the presentation, the World Bank praised the retirement and insurance system reforms undertaken and the related model as an example to be followed by countries in transition.

279. In October 2008, an international technical seminar was jointly organized in Baku by the International Social Security Association and the State Social Welfare Fund of Azerbaijan with the participation of 16 members States of the association.

280. Great significance is attributed to the future attainment of a self-regulating and independent development of the retirement and insurance system and to the definition of the system's basic goals, tasks and forthcoming action.

281. The Government programme for the development of the retirement and insurance system, 2009–2015, approved by a presidential order of 30 December 2008, is aimed at dealing comprehensively with the above tasks and defines the subsequent stage of reform of the system in question.

282. In implementing the activities contained in the programme, special attention will be paid to ensuring the system's financial stability, strengthening the underlying social insurance principles, and further improving the provision of pensions.

Table 15  
**Average monthly pensions**  
 (AZN, beginning of year)

	2004	2005	2006
<b>Overall average of monthly pensions</b>	<b>23.8</b>	<b>24.0</b>	<b>28.5</b>
<i>In particular:</i>			
Old age benefit	24.8	25.0	29.5
Disability benefit	26.3	26.5	32.3
Loss of breadwinner benefit	21.0	20.9	26.5
Social and seniority pensions	18.7	18.8	20.8
Minimum pension	20.0	20.0	25.0
	2007	2008 <sup>a</sup>	2009 <sup>a</sup>
<b>Overall average of monthly pensions</b>	<b>41.1</b>	<b>62.9</b>	<b>95.8</b>
<i>In particular:</i>			
Old age benefit	41.0	64.3	99.4
Disability benefit	45.4	64.6	94.8
Loss of breadwinner benefit	32.6	50.6	76.4
Minimum pension	40.0	60.0	75.0

<sup>a</sup> Including the pensions of military and special commission personnel.

## Article 10

283. Article 17 (1) of the Constitution defines the family as the fundamental unit of society under the special protection of the State.

284. Article 28 of the Civil Code defines an individual's legal capacity at civil law as his or her ability through his or her own actions to acquire and exercise civil rights and assume and fulfil civil obligations.

285. An individual acquires full legal capacity at civil law upon attaining majority, namely the age of 18.

286. Minors aged 16 or over employed on labour contracts or engaging in business activity with the consent of their parents, adoptive parents or guardians may be deemed to be fully capable. A minor can be deemed fully capable (emancipated) by decision of the tutelage and guardianship authority with the consent of both parents or adoptive parents or the minor's guardian or, in the absence of such consent, by court decision.

287. Parents, adoptive parents and guardians bear no responsibility for obligations assumed by a minor deemed fully capable, including those arising from any damage the minor may cause.

288. Under article 34 of the Constitution, everyone has the right to marry upon reaching the age specified by law. Marriage is contracted on the basis of voluntary consent. No one may be forced to marry.

Table 16  
Men's and women's average age of entry into marriage

	<i>Average age of entry into marriage (years)</i>		<i>Average age of entry into first marriage (years)</i>	
	<i>Men</i>	<i>Women</i>	<i>Men</i>	<i>Women</i>
2003	28.6	23.7	27.6	23.3
2004	28.5	23.7	27.5	23.3
2005	28.4	23.7	27.5	23.4
2006	28.2	23.5	27.5	23.3
2007	28.1	23.5	27.4	23.3

289. The Family Code lays down the procedure for contracting marriage on the basis of free and full consent of the two parties.

290. Under article 2, paragraphs (3) and (4), of the Family Code, marriage is a voluntary union of a man and a woman, which is registered at the appropriate governmental authority, for the purpose of constituting a family. Citizens' rights regarding entry into marriage and intra-family relationships may not be restricted on the basis of social, racial, ethnic, religious or linguistic affiliation.

291. Under article 174 of the Criminal Code, illegal acts which are related to the adoption of children or placement of children under guardianship or custodianship or with host families to bring them up and which are financially motivated incur specific punishment. Article 172 of the same Code establishes criminal responsibility for the substitution of another person's child in medical establishments out of self-interest, feelings of revenge or other lowly motives by a person entrusted with protecting or caring for the child.

292. In 2004, Azerbaijan acceded to the Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption. By a presidential decree of 12 March 2007, the Government Committee on family, women's and children's issues was designated central body for the implementation of that Convention.

293. In 2006, the Family Code and the Code of Civil Procedure were amended with a view to creating an effective control system and improving public administration and domestic procedures related to inter-State adoption. As a result, inter-State administration procedures were made considerably more rigorous, and multilevel Government control over the adoption process was established with the participation of all State bodies concerned. Moreover, the roles of these bodies and the central body's oversight powers regarding pretrial proceedings were clarified.

294. In 2008, the Cabinet of Ministers adopted rules for the accreditation of entities which provide legal services in connection with adoption.

295. Under articles 125 of the Labour Code, working women are entitled during pregnancy and the post-partum period to 126 calendar days' paid leave (70 days before and 56 days after the birth). In the event of a difficult birth or the birth of two or more children, 70 calendar days' leave are granted after the birth.

296. Women employed in farming are allowed maternity leave as follows:

(a) For normal births, 140 calendar days (70 days before and 70 days after the birth);



(b) For difficult births, 156 calendar days (70 days before and 86 days after the birth);

(c) For the birth of two or more children, 180 calendar days (70 days before and 110 days after the birth).

297. Under article 126 of the Labour Code, women who have adopted or are, without adopting them, raising children under two months old are entitled to 56 days' special post-partum leave, the additional leave defined in article 117 and the leave on part pay provided for under article 127 of the Code.

298. Under article 127 of the Labour Code, one parent or other family member directly involved in caring for a child is entitled to social childcare leave on part pay until the child turns 3, the amount payable being as defined by law.

299. A working individual looking after a child may, on the basis of his or her written application, use all or part of his or her entitlement to social leave on part pay.

300. Under article 240 of the Labour Code, refusing to conclude an employment contract with a woman because she is pregnant or has children under 3 is prohibited. This provision does not apply to refusals prompted by lack of suitable work or by a prohibition to hire female workers for a particular job.

301. If an employer refuses to hire a woman on such grounds, she may request a written statement of the reasons for the employer's refusal; and may apply to the courts for protection of her rights in that connection.

302. Article 241 of the Code bans the use of female labour at sites with difficult or dangerous working conditions, in underground tunnels and shafts, and in other underground occupations.

303. As a rule, women are allowed to work underground for a certain period provided they do not perform physical labour but fulfil managerial tasks or provide social, health-and-safety or medical services or carryout tasks not involving lifting or lowering. Women may not be employed to lift and carry weights exceeding the established standard from one place to another.

304. Women's duties at work may include manual lifting and carrying of objects only within the following overall limits:

(a) Manual lifting and carrying from one place to another of objects weighing not more than 15 kg, in addition to the performance of other tasks;

(b) Lifting of objects weighing not more than 10 kg to a height of over 1.5 m;

(c) Manual lifting and carrying of objects weighing not more than 10 kg from one place to another throughout the working day (shift);

(d) Transport of objects requiring an applied force of more than 15 kg on trolleys or other mobile devices.

305. Pregnant women and women with children under 3 may not be assigned to work covered by the article. The Cabinet of Ministers approves a list of jobs and professions or positions involving dangerous or difficult working conditions, and underground occupations in which the use of female labour is prohibited.

306. Under article 242 of the Labour Code, pregnant women and women with children under 3 may not be employed on night work, overtime, on rest days, public holidays or other days not regarded as working days, and may not be required to travel on business.

307. Women with children aged between 3 and 14 (in the case of disabled children, 3 and 16) may be assigned to work overtime, on rest days, public holidays or other days not regarded as working days, and dispatched on business travel only with their consent.

308. Under article 243 of the Labour Code, output standards for pregnant women are to be reduced in accordance with medical findings, or the women are to be transferred to lighter work where they will be unaffected by unfavourable working conditions. If working women with children aged up to one-and-a-half have problems with feeding their children, the employer must, at their request, transfer them to lighter work until the children reach the age of one and a half or provide the requisite conditions for feeding the children. Women transferred to lighter work in the circumstances provided for in the article keep their previous wages for their principal occupations. Reducing a woman's wages because she is pregnant or feeding a child is prohibited.

309. Article 244 of the Labour Code requires women with children aged up to one-and-a-half to be provided, besides the normal break for rest and food, with additional breaks for feeding their children. Such breaks, of at least 30 minutes each, must be provided at least once every three hours. If a woman has two or more children aged under one-and-a-half, the length of each break is set at least one hour. Breaks taken to feed children count as time at work and are paid at the average wage. Women may opt to lump their child-feeding breaks together and combine them with their rest and food breaks, or take them at the beginning or end of the working day (shift). If a woman opts to lump her child-feeding breaks together and take them at the end of the working day, her working day is shortened by the combined length of the breaks.

310. Under article 245 of the Code, an employer must, if pregnant women, women with children under 14 or disabled children under 16 and women caring for sick family members on the basis of medical advice so wish, allow them to work a shortened working day or week and pay them in proportion to the time worked. In such cases, the length of the working day or week is established by agreement between the parties. Pregnant women and women with children under 3 remain on their average wage while they attend clinics and outpatient facilities or doctors' appointments on their own or their children's account. An employer is required to make it possible for pregnant women to attend such consultations.

311. Under article 247 of the Labour Code, in view of their working and professional experience, their limited time in employment and their physiological development, special provisions and related safeguards apply to the employment of persons aged under 18. The article requires employers to honour the guarantees laid down in the Code for workers under 18 and states that employment contracts concluded with individuals under 18 must include supplementary clauses and undertakings, which employers must honour, to enable them to increase their work and professional experience.

312. Article 250 of the Labour Code prohibits the employment of persons under 18 in jobs involving difficult or dangerous working conditions, in underground tunnels or shafts or other underground works, and in nightclubs, bars and casinos which may have a detrimental effect on their moral development; this includes work associated with the production, transport, sale and storage of spirits and toxic preparations, and with trade in narcotic drugs, psychotropic preparations and their precursors. Persons under 18 years, who under the law are subject to compulsory attendance of general secondary education, may not be employed for work which may not allow them to obtain such education fully.

313. Article 251 of the Code prohibits the employment of persons under 18 in the lifting and carrying from one place to another of weights exceeding the limits which it lays down. It provides that the work assignments of workers aged between 16 and 18 may only include the manual lifting and carrying of objects as specified below:

(a) Males: manual lifting and carrying from one place to another of objects with a combined weight of not more than 15 kg, and lifting of objects with a combined weight of not more than 10 kg to a height of more than 1.5 m, in addition to the performance of other tasks;

(b) Females: manual lifting and carrying from one place to another of objects with a combined weight of not more than 10 kg, and lifting of objects with a combined weight of not more than 5 kg to a height of more than 1.5 m, in addition to the performance of other tasks;

(c) Regular manual lifting and carrying of objects with a combined weight of not more than 10 kg from one place to another throughout the working day (shift);

(d) Transport of objects requiring an applied force of more than 15 kg on trolleys or other mobile devices.

314. Girls under 16 may be assigned to lift and carry objects of a weight limited to one third of the standards set in the first three of the above subparagraphs of the article only with their consent. They may not be assigned to the regular lifting and carrying of objects throughout the working day. The Cabinet of Ministers approves a list of jobs and professions or positions involving dangerous or difficult working conditions, and underground occupations in which the use of workers aged under 18 is prohibited.

315. A broad range of standards aimed at a more effective protection of children's rights was introduced through the additions and amendments to the Constitution, which were adopted by referendum. Such standards include the prohibition of children's involvement in activities which may endanger their life, health and morals and of the employment of children under 15.

316. The rules under which children with no parents or guardians are placed under State guardianship have been enshrined in the Constitution.

317. The rules according to which the State monitors respect for the rights of children have also been enshrined in the Constitution.

318. Under article 252 of the Labour Code, persons under 18 may be employed only after undergoing a medical examination, and until they reach 18 they must undergo an annual medical check-up, to be paid for by the employer.

319. Under article 253 of the Labour Code, workers under 18 working reduced hours in accordance with article 91 of the Code are to be paid the same wage for the same kind of work as adult employees. Workers under 18 on piecework are paid the piece rate established for adult workers, plus an amount to offset the difference in the standard rate for the job between the reduced hours they work in accordance with article 91 and the daily hours worked by an adult employee.

320. Under article 254 of Labour Code, persons aged under 18 may not be employed on night work, overtime, on rest days, public holidays or other days not regarded as working days, and may not be required to travel on business. The period between 8 p.m. and 7 a.m. is regarded as night-time for workers under 18, while for other workers night-time is the period between 10 p.m. and 6 a.m.

321. Azerbaijan is a party to the Convention on the Rights of the Child and to the following ILO conventions:

- No. 138, Minimum Age Convention, 1973;
- No. 90, Night Work of Young Persons (Industry) Convention (Revised), 1948;
- No. 79, Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946;
- No. 77, Medical Examination of Young Persons (Industry) Convention, 1946;
- No. 78, Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946;
- No. 124 Medical Examination of Young Persons (Underground Work) Convention, 1965.

322. In December 2003, Azerbaijan ratified ILO Convention No. 182 (Worst Forms of Child Labour Convention, 1999).

323. Azerbaijan's reports on the implementation of these conventions are submitted to ILO

324. The Government adopted a number of legal and regulatory instruments aimed at protecting children's rights, preventing violence against and trafficking in children and improving their social welfare, including the rights of the child Act, the regulations governing the juvenile affairs and minors' rights protection commissions Act, and the juvenile homelessness and offences prevention Act.

325. On 25 January 2007, the Cabinet of Ministers adopted a comprehensive programme to combat domestic violence in a democratic society. That programme is aimed at, inter alia, preventing daily violence in society, ensuring security in life and the rule of law, and reducing the risk of abuse in public places, the family and daily life.

326. Currently, the Parliament is examining a draft domestic violence prevention Act, which inter alia establishes a legal framework for protection against violence and provides for opening rehabilitation centres for women and children having suffered violence.

327. Azerbaijan has joined the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence, which was launched in November 2006.

328. Starting in January 2008, the Government Committee on the Family, Women and Children, the Heydar Aliyev Foundation and the United Nations Population Fund (UNFPA) launched a joint project to combat violence against women in the twenty-first century. The project includes regional seminars, the publication of related human-rights and gender-equality material, and the development of a strategy for providing services to gender violence victims. Relevant videotapes are broadcast on national television.

329. The Ministry of Internal Affairs of Azerbaijan, in cooperation with the representations of OSCE and the United Nations Children's Fund (UNICEF) offices in Baku, regularly organizes seminars, round tables and conferences on issues related to combating violence against women.

330. The Ministry of Internal Affairs has trained, through special courses, 140 district inspectors and juvenile affairs inspectors on domestic violence issues.

331. In order to eliminate cases of neglect by local police organs in dealing with offences related to family conflicts, the Ministry of Internal Affairs has established the "102" unit, with which citizens may directly file submissions or complaints against the Ministry's senior staff.

332. As a result of targeted preventive measures taken by internal affairs bodies, the proportion of offences committed as a result of household and family conflicts stood at 7.6 per cent in 2008.

333. According to a survey conducted by the Government committee on statistics, of the women aged 15–49, 12 per cent in urban and 15 per cent in rural areas had been subjected to physical violence at least once, while 13 per cent in urban and 14 per cent in rural areas had been subjected to physical or sexual violence.

334. The mechanisms for ensuring the protection of domestic or sexual violence victims and the punishment of the offenders are laid down in the country's criminal and criminal procedure law.

335. In 2005, amendments were made to the Criminal Code, and punishment was defined for trafficking in persons (article 144–1), compulsory labour (article 144–2) and the disclosure of confidential information on human trafficking victims (article 316–1).

336. Under article 144–1 of the Criminal Code, trafficking in minors carries deprivation of liberty of 8 to 12 years and confiscation of property. In recent years, 167 persons have been convicted under that article.

337. In 2004, a presidential order enacted a national plan of action to combat trafficking in persons in Azerbaijan, which sets out the basic responsibilities of State bodies in combating that phenomenon and addresses questions of cooperation between State bodies, NGOs and international organizations with regard to implementing their activities, as well as the harmonization of such bodies by a national coordinator.

338. As part of the national plan of action, within the period reviewed and with the participation of national NGOs, awareness-raising work was carried out, relevant web pages were published, related television programmes were broadcast and special sociological surveys were conducted in order to shed light on the causes underlying the type offences in question.

339. On 9 February 2009, the President of the Republic approved a second national action plan for the period 2009–2013 in order to ensure the continuation of action against the human trafficking and improve the relevant legal and regulatory framework.

340. Legislative and social measures adopted to combat human trafficking have included the human trafficking suppression Act; a procedure for establishing, funding and monitoring the activity of special facilities for human trafficking victims; the statute of the Fund for Assistance to Victims of Trafficking in Persons; a decree on setting the amount of reintegration benefits paid to human trafficking victims; rules for the social rehabilitation of trafficking victims; a procedure for the unimpeded surrender of human trafficking victims to a special police unit; and regulations on a helpline for actual and potential human trafficking victims.

341. The human trafficking suppression Act of 28 June 2005 established the legal basis for preventing human trafficking and ensuring the social rehabilitation and protection of human trafficking victims.

342. The Act further provided for the creation of special facilities for the protection of trafficking victims, including temporary accommodation shelters and victim assistance centres, and established the legal basis and governing principles for the activity of such facilities.

343. Temporary stay shelters are being set up to provide human trafficking victims with decent living conditions, safety, food, medicines and urgent medical, psychological, social and legal assistance. The victims are entitled to telephone communication and use of the

services of a translator. Special places are provided for private discussions; and the victims' anonymity is safeguarded.

344. Victim assistance centres are being set up to inform human trafficking victims of the administrative and legal arrangements in place to protect their rights and interests, to provide medical, psychological and other necessary assistance and to facilitate their social rehabilitation. The assistance centres guarantee victim anonymity. If the trafficked persons are children, information about them is immediately transmitted to the adoption and fostering services and the Commission for juvenile affairs and the protection of minors' rights.

345. A special hostel was established in October 2006 by the Ministry of Internal Affairs to provide suitable living conditions for human trafficking victims, ensure their safety and provide them with urgent medical, psychological, social and legal assistance. In January 2006, a helpline was established by the Human Trafficking Suppression Department and widely publicized. In the context of cooperation with NGOs, a helpline was also established within the "Chistiy Mir" (Clean World) organization.

346. Assistance in the centres is provided to any human trafficking victim at their request, regardless of their conduct or willingness to cooperate with criminal investigative bodies or give evidence against traffickers.

347. These special facilities provide all services free of charge. The charging of fees for services in such facilities is prohibited.

348. The social rehabilitation of human trafficking victims is intended to ensure their reintegration into society and return them to a normal way of life; it seeks to allow them to benefit from legal assistance, further their education, and undertake activities for their psychological, medical and professional rehabilitation, and to provide them with jobs and housing. During the social rehabilitation of the victims, no restrictions of any kind are placed on the human and civil rights established in the Constitution, other legislation or the international agreements to which Azerbaijan is a party, nor are rehabilitative measures applied against their will. During their social rehabilitation, account is taken also of their age, gender and individual needs, particularly in the case of children, and of their housing, education and care needs.

349. At the request of a criminal investigative body, Government bodies are required within the limits of their competence, and shelters and assistance centres within the framework of their mandates, to provide assistance to human trafficking victims. Under Azerbaijani law, victims of trafficking are provided throughout their reintegration period with an allowance, funded from the State budget and other sources, of an amount set by the Cabinet of Ministers.

350. Cabinet of Ministers Decision No. 152 of 17 June 2006 set the amount of the rehabilitation allowance provided to victims of trafficking pursuant to article 17.2 of the human trafficking suppression Act at 30 nominal financial units.

351. Trafficked persons are exempt from civil, administrative and criminal liability for acts committed under duress or threat, in situations defined and in accordance with procedures prescribed by law.

352. In 2008, 76 offences related to human trafficking were detected, criminal charges were brought against 96 persons and those guilty were deemed criminally liable.

353. In 2008, 52 persons were placed in temporary stay shelters for human trafficking victims, 9 victims were enrolled in vocational training courses, 13 women were provided with a job, 9 victims received compensation for material damage, and, by decision of the Cabinet of Ministers, 41 victims received benefits during their reintegration period.

354. In 2008, an NGO identified and turned over to the police four human trafficking victims under the human trafficking suppression Act.
355. A police unit specialized in combating human trafficking has been operating in the Ministry of Internal Affairs since 1 August 2006.
356. Under article 20 of the human trafficking suppression Act, if an alien or stateless person is recognized as a victim of human trafficking, his or her administrative expulsion is suspended for a period of one year.
357. If, at the end of that period, the alien or stateless person is still assisting the prosecuting authorities in a criminal case related to human trafficking, the expulsion is further delayed pending the conclusion of the criminal proceedings.
358. Children who are victims of trafficking are not subject to expulsion from Azerbaijan. The return of such children to their countries of origin or to their parents is only permitted once it has been ascertained that the child is not in danger of again falling prey to traffickers. In taking a decision regarding the return of such children to their countries of origin or to their parents, the child's opinion on the matter is ascertained and is taken into consideration if the child is over 10 years old.
359. If a human trafficking victim wishes to leave Azerbaijan, assistance in obtaining the necessary documents and funds for transport and other necessary expenses is provided, and advice is given to reduce the risk of that person being trafficked in the host country.
360. Aliens or stateless persons who have been victims of trafficking may apply to the appropriate Government bodies for a residence permit, in accordance with the procedure established by law. When such requests are considered, account is taken of the applicants' cooperation with the criminal investigative authorities, the physical and psychological suffering they have undergone and the risk of their again falling prey to or being pursued by traffickers after repatriation.
361. Human trafficking victims, aliens and stateless persons whose identity can not be established may not be granted a permit for residence in Azerbaijan. Measures for the expulsion of such persons are taken in accordance with administrative procedures.
362. A human trafficking victim in possession of a residence permit in Azerbaijan acquires immigrant status and enjoys all rights and must fulfil all obligations ensuing from such status.
363. Foreigners and stateless persons who are victims of human trafficking are offered protection and assistance on the same terms as Azerbaijani nationals.
364. Their safety is guaranteed in accordance with the State protection of parties to criminal proceedings Act. An official of the body conducting the proceedings must inform victims of trafficking that their safety can be ensured and make them aware of the protection measures being taken.
365. Any security measures taken to protect victims of trafficking shall continue to be applied until the danger is entirely eliminated, including during the period following the preliminary investigation, the court hearing and the final decision of the court with regard to crimes associated with trafficking in persons.
366. The length of stay in a shelter may be extended at the request of the special police unit or at the request of trafficked persons themselves. However, the time that a victim of trafficking spends in a shelter is extended only with the victim's agreement.
367. When providing assistance to child victims of trafficking, the child's interests are made paramount, and all initiatives to protect the child's rights and legal interests must be carried out in accordance with the children's rights Act, the United Nations Convention on

the Rights of the Child, other relevant national legislation and the international agreements to which Azerbaijan is a party.

368. In that connection, by an Act of 30 March 2004, Azerbaijan acceded to the Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption; and by an Act of 13 May 2003, it acceded to the United Nations Convention against Transnational Organized Crime and its Protocols, namely the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air.

369. Azerbaijani law also establishes rules for the repatriation of aliens and stateless persons who are trafficking victims.

370. During the period prior to their repatriation, aliens or stateless persons who have been victims of trafficking may apply to the appropriate Government bodies for a residence permit, in accordance with the procedure established by law. When such requests are considered, account is taken of the applicants' cooperation with the criminal investigative authorities, the physical and psychological suffering they have undergone and the risk of their again falling prey to or being pursued by traffickers after repatriation.

## Article 11

371. Programmes adopted by the Government in order to guarantee and implement social and economic rights include the employment strategy, 2006–2015, the employment strategy implementation programme, 2007–2010, and the social and economic development of the regions programme, 2009–2013.

372. As a result of large-scale measures, the level of poverty declined from 46.7 per cent in 2002 to 13.2 per cent in 2008. The poverty line is calculated on the basis of the country's minimum subsistence level.

373. That poverty line rose from AZN 35.8 (US\$ 44.75) in 2003 to AZN 70 (US\$ 87.5) in 2008. The following table shows the development of the level of poverty and the poverty line:

Table 17

### Poverty line and level of poverty

	2002	2003	2004	2005	2006	2007	2008
Poverty line, AZN	35	35.8	38.8	42.6	58	64	70
Level of poverty, %	46.7	44.7	40.2	29.3	20.8	15.8	13.2

374. According to a presidential order of 10 December 2008 on the implementation of the minimum subsistence level in 2009 Act, that level amounts to AZN 84, namely AZN 92 for the labour force, AZN 65 for pensioners and AZN 69 for children.

375. According to the needs assessment criterion in 2009 Act of 25 November 2008, that level in 2009 amounts to AZN 60 (approximately US\$ 75).

376. Building on successes achieved in the area of well-being of the population, the Government poverty reduction and continuous growth programme, 2008–2015, was approved by a presidential order of 15 September 2008.



377. The above Government programme is aimed at the following nine basic goals:

- Maintaining macroeconomic stability and ensuring steady economic growth and balanced development of the non-oil sector;
- Improving the well-being of the population and significantly decreasing the number of the poor;
- Ensuring the effective development of the social protection system and reducing social risk for vulnerable social groups;
- Continuing the adoption of measures for systematic improvement of the living conditions of refugees and internally displaced persons;
- Enhancing the quality of services in the areas of education and health and promoting equality in the use of such services;
- Improving the environmental situation and ensuring continuous environmental monitoring;
- Developing social infrastructure and improving the system of the public services;
- Supporting gender equality;
- Carrying out institutional reforms and upgrading public administration.

378. The national food security programme was approved by a presidential order of 2 March 2001 in order to deepen economic reforms, raise agricultural production and enhance the food supply.

379. The following steps were taken under that programme:

- Strengthening of the food security administration mechanisms;
- Conversion of agricultural units to structures meeting market economy requirements;
- Encouraging the production of a variety of foodstuffs and promoting competitiveness in agriculture;
- Implementing a State investment policy conducive to the development of the agricultural infrastructure.

380. The Government programme for a dependable food supply was approved by a presidential order of 25 May 2008 in order to stimulate agricultural production and improve the availability of locally produced foodstuffs.

Table 18  
**Average annual per capita food consumption**

(In kg unless otherwise indicated)

	2003	2004	2005	2006	2007	2008
Bread and grain products	157.6	155.7	156.5	157.9	158.9	156.8
Potatoes	47.2	48.1	48.5	49.1	50.8	51.5
Vegetables and melon crops	79.3	78.8	77.9	78.4	78.6	78.7
Meat and meat products	29.1	29.3	29.4	29.1	29.2	30.2
Fish and fish products	6.6	6.6	6.6	6.6	6.6	6.7
Milk and dairy products	271.1	277.6	274.8	279.0	280.2	282.6
Eggs (pieces)	123.0	124.0	126.0	120.0	123.0	123.8

	2003	2004	2005	2006	2007	2008
Fruits and berries	55.4	54.6	54.5	55.3	55.5	57.6
Sugar and confectioneries	30.7	30.9	30.8	30.9	31.0	31.3
Vegetable oil and margarine	8.3	8.3	8.3	8.3	8.4	8.4

381. In order to ensure food quality and safety, there are plans for introducing the Codex Alimentarius, ISO, hazard analysis critical points (HACCP) and European Union standards into the system of national norms. Forms and rules have been approved for the delivery of food product certificates for exports to the European Union, including fish, other sea products and products of vegetable origin.

382. The adoption of the agrarian reform Act of 2 August 1996 marked the beginning of the agrarian reform process in the country.

383. Through the adoption of that Act and the unified State land cadastral register, private and municipal land property rights were restored.

384. Land used by citizens and confirmed as such through appropriate documents was transferred as private property. Such property includes farmland, dachas and collective and cooperative gardening areas. Moreover, sovkhozes and kolkhozes (arable land and fruit, vegetable or other gardens) were transferred to citizens as private property.

385. Under national law, citizens have a right to sell, donate, mortgage, inherit or deal in any other lawful manner with land which they own on the basis of appropriate legal documents.

386. The land lease Act of 12 March 1999 defines the legal basis for leasing state, municipal and private land.

387. Under this Act, State and municipal land may be turned over to individuals or legal entities engaged in for-profit activity.

388. The land market Act of 12 March 1999, a key piece of legislation in the area of land property, governs various issues related to land market relations, organization, regulation and dispute resolution.

389. Under the law, aliens, stateless persons, foreign legal entities and international organizations may also conclude transactions on the land market, save for the acquisition of ownership of land.

390. The land market Act establishes a basis for the formation of land market prices. The Act provides that, where privately owned land is sold directly, the price is to be set by agreement between the parties in the light of the market rate. Where municipally owned land is sold directly, the price is to be determined by the municipality concerned, taking obligatorily into account the standard price of land and the market rate. The price of the right to use and lease land is set in the light of market rates by mutual agreement. Where municipal or privately owned land is sold at auction or by tender, the starting price is to be set by agreement between the owner and the organizers of the sale.

391. The soil fertility Act of 30 December 1999, another important piece of legislation, was adopted to create a legal foundation for ensuring the rational utilization of land reserves as a whole and ensuring the fertility of land characterized as agricultural.

392. The Land Code adopted on 25 June 1999 confirms the provision that the owner of land may use it at his or her discretion (sell or exchange it or leave it to someone as an inheritance).

393. Under article 3 (1) of the Land Code, land relationships are social relationships between State bodies, municipalities, legal entities and individuals in the area of disposition, possession or use of land, and in the area of natural resources use management by the Government.
394. Under paragraph 3 of the same article, parties to land relationships are the Azerbaijani Republic, State bodies, municipalities, citizens and legal entities of Azerbaijan, aliens and stateless persons, foreign legal entities, international associations and organizations and foreign States.
395. Under the same paragraph, in their capacity as parties to land relationships, aliens and stateless persons, foreign legal entities, international associations and organizations and foreign States are subject to the restrictions specified in article 48 of the Land Code.
396. Under article 48 (3) of the Land Code, aliens and stateless persons, foreign legal entities, international associations and organizations and foreign States may acquire land in Azerbaijan solely on the basis of the right to lease.
397. The Land Code specifies that legal entities and individuals acquire private property rights to land on the basis of, inter alia, privatization, purchase transactions, inheritance, donation or exchange.
398. As a result of land reform in the agricultural sector, more than 871,220 families, or 3,428,136 persons, obtained free of charge the use of high-quality agricultural land and became owners of land allotments.
399. The second stage of Azerbaijan's land reform is currently in progress.
400. All citizens living in houses on home or garden plots in rural or urban areas are issued legal documents establishing their private ownership of the plot.
401. The establishment of private ownership documents for country-house plots, cooperative vegetable or other gardens and partnership plots is in progress. These free of charge documents certify perpetual possession with full rights to carry out any type of operation with the land concerned.
402. The Government considers agriculture to be the top priority sector of the economy and takes specific measures to support farmers and agricultural development in general.
403. For instance, under a presidential decree, farmers are reimbursed for up to 50 per cent of expenditures on fuels and lubricants depending on the surface area of the land that they cultivate. They also receive significant subsidies for the purchase of mineral fertilizers. The cultivation of priority crops is encouraged through specific Government orders.
404. A tangible indicator of the changes that have taken place in the agricultural sector is that 99 per cent of the country's agricultural output is produced in the private sector.
405. Of the 1,695,123 hectares privatized and transferred free of charge to citizens as a result of the land reform and the various changes in the agricultural sector, 1,393,613 hectares have been so transferred in the form of agricultural equity shares.
406. The ownership of approximately 2,032,744 hectares of land has been transferred to municipal authorities. The State still possesses 4,913,639 hectares.
407. Statistical data on the land reform do not include agricultural land located in Azerbaijani territories occupied by Armenia.
408. In 2008, Azerbaijan produced 1,077 thousand tons of potatoes (40 thousand more than in 2007) and 2,498 thousand tons of grain (compared to 2,004 thousand in 2007); and had a stock of 2,549 thousand bovines (48 thousand more than in 2007) and 8,203 thousand ovines (or 99 thousand more than in 2007).

409. The Government attaches particular significance to ensuring water security, inter alia by improving the quality of the water supply and promoting the rational utilization and protection of water resources.

410. Under the Water Code of 26 December 1997, relationships related to the use and conservation of water bodies and available water resources (water relationships) are regulated by water legislation.

411. Over and above the Water Code, drinking water supply and liquid waste disposal relationships are also governed by appropriate legal and regulatory instruments.

412. Domestic law also regulates land, forest, subsoil, flora and fauna, air, underground water identification and protection, and related property and other administrative relationships connected with the use and protection of water bodies.

413. Under article 14 of the Water Code, small water reservoirs located in private land areas and not connected hydraulically with other waters may be transferred to private ownership according to procedures established by law.

414. Under article 14 (2) of the Water Code, water bodies may not be owned by persons who are not citizens of the Azerbaijan Republic or by foreign legal entities.

415. Legal and regulatory instruments adopted in this area include, inter alia, the municipal water management Act, the hydro-technical constructions safety Act, the irrigation and improvement Act, and regulations for State water registration and for State supervision of natural reserves and the environment.

416. The strategy for enhancing the quality of the country's water supply and sanitation comprises the following measures:

- (a) Bringing the current water supply and sanitation regulations into line with European Union standards;
- (b) Ensuring a drinking water supply meeting World Health Organization (WHO) standards;
- (c) Prospecting for new alternative drinking water sources;
- (d) Increasing budget allocations to the water and sanitation sectors;
- (e) Encouraging foreign investment in these sectors.

417. Various projects designed to ensure an adequate drinking water supply are carried out under the comprehensive action plan for environmental improvement, 2006–2010, with support from international financial organizations and funding from the budget.

418. Water purification facility, piping and basin construction or reconstruction projects are carried out with loans provided by the World Bank, the Asian Development Bank and other appropriate international financial organizations and with budget funds.

419. Currently, 40 per cent of the country's populated areas were provided with a sanitation system; while modular type water purification facilities were installed in 122 villages, thereby ensuring a drinking water supply meeting WHO standards for 244,00 inhabitants.

420. Under article 43 of the Constitution, the State assists in the construction of accommodations and takes special measures to ensure the exercise of the right to housing.

421. Under article 17 of the Legal Status of Aliens and Stateless Persons Act, aliens and stateless persons who reside permanently in Azerbaijan enjoy the right to State, departmental or social housing on equal terms and in accordance with the same procedures with Azerbaijani citizens, unless otherwise stipulated by law.

422. Under the youth policy Act of 9 April 2002, preferential credits and loans, whose amount and approval procedure are determined by law, are granted to young families to construct a house or acquire an apartment.

423. The mortgages Act of 15 April 2005 lays down the foundations for the granting and official registration of mortgages, loan reimbursement rules and other civil obligations connected with a mortgage, and the related rights and obligations of the parties.

424. The Azerbaijan Mortgage Fund was set up with the National Bank of Azerbaijan through a 2005 presidential decree on the creation of a mortgage system in the country.

425. In the same year, regulations regarding the Azerbaijan Market Fund and rules for granting mortgages financed with resources of that fund were established by presidential decree.

426. In 2007, a presidential decree on the improvement of the mechanism for granting mortgages extended the mortgage period from 15 to 25 years, increased the ceiling on mortgages to AZN 50,000 and reduced the interest rate on mortgages from 12 to 8 per cent.

427. In order to improve the standard of living of young families and military personnel, the same presidential decree also established rules for granting preferential mortgages subject to an AZN 35,000 ceiling and taken out for a 3–30 year period at an annual interest rate which may not exceed 4 per cent.

Table 19

**New housing units**

(Thousand square meters)

	<i>Total</i>	<i>Of which:</i>	
		<i>in urban areas</i>	<i>in rural areas</i>
2003	<b>1 339</b>	745	594
2004	<b>1 359</b>	1 008	351
2005	<b>1 593</b>	1 197	396
2006	<b>1 583</b>	1 139	444
2007	<b>1 616</b>	1 057	559
2008	<b>1 568</b>	1 061	507

428. Fully aware of its responsibility to ensure the protection of refugees and internally displaced persons, the Government continues to implement various comprehensive measures aimed at improving the social and economic situation of the group in question and ensuring their temporary social integration, in view of their eventual return to their homeland.

429. The Office of the United Nations High Commissioner for Refugees has commended the Government for its efforts to improve the situation of refugees and internally displaced persons.

430. In August 2008, the internally displaced persons' monthly food allowance was increased by 50 per cent by presidential order.

431. Of the 270,000 internally displaced persons who by 2008 were receiving monthly humanitarian assistance for food, 140,000 had been granted such an allowance from budget funds. When the United Nations World Food Programme's initiative for internally displaced persons ended on 1 July 2008, 130,000 persons of that category who receive care and a monthly food allowance began to be supported with budget resources.

## Article 12

432. Under article 39 (1) of the Constitution, everyone has the right to live in a healthy environment.

433. Under paragraph 2 of the same article, everyone has the right to obtain information on the actual state of the environment and compensation for damage to his or her health and property as a result of violations of environmental protection law.

434. Under paragraphs 3 and 4 of the same article, which were introduced through constitutional amendments that took effect on 31 March 2009, no one may endanger or damage the environment or natural resources beyond a degree determined by law; and the State guarantees the maintenance of ecological balance and ensures the protection of wild flora and fauna species specified by law.

435. Under article 42 of the Constitution, everyone has the right to health care and medical assistance; the State takes all necessary measures for development of all forms of health services under various forms of ownership, guarantees sanitary and epidemiological safety and creates possibilities for various types of medical insurance; and charges may be brought against officials concealing facts or cases dangerous for life or health.

436. Under article 15 of the protection of the population's health Act of 26 June 1997, aliens and stateless persons are entitled to health protection according to procedures specified by domestic law and international agreements to which Azerbaijan is a party.

437. Under article 10 of the same Act, medical assistance is free of charge in public medical establishments.

438. Major health system reforms are currently in progress in the country; and a national policy and conceptual design are being developed for the health sector.

439. Budget allocations to the health sector increase every year. In 2008, expenditure on health amounted to AZN 346.2 million (US\$ 432.75 million).

440. National initiatives prepared and adopted, together with adequate funding, at Government level in the last three years to address crucial health issues include the following programmes:

- (a) Maternal and child health protection programme of 15 September 2006;
- (b) Government programme for the development of blood banks and blood and blood-components donation of 6 March 2006;
- (c) Government programme on diabetes mellitus of 7 June 2005;
- (d) Government programme on hereditary blood diseases, haemophilia and thalassaemia of 18 January 2006;
- (e) Programme on chronic kidney deficiency of 19 July 2006;
- (f) Programme on immuno-prophylaxis against infectious diseases of 19 July 2006;
- (g) Programme to ensure the availability of basic antitumour drugs to cancer patients of 19 July 2006.

441. In the last five years, more than 200 medical establishments were built or reconstructed in order to implement the population's right to health care.

442. As part of the Heydar Aliyev Foundation programme entitled "For the love of life, without thalassaemia", a thalassaemia centre was opened on 9 May 2009. That specialized medical establishment is endowed with state of the art equipment; operates a blood bank

based on a voluntary blood donation service and designed to provide safe and high-quality blood to children suffering from thalassaemia; seeks to provide the population with relevant information in order to prevent the propagation of that disease; promotes cooperation among various States engaged in the combat against thalassaemia; and provides high-level training to Azerbaijani health personnel.

443. Furthermore, on the initiative of the Heydar Aliyev Foundation, a renovated psychoneurological children's home, meeting modern standards, was opened in Baku in May 2009; and there are plans to build a centre for Down Syndrome patients.

444. The "Diabetic children—a top concern" project carried out by the Heydar Aliyev Foundation has facilitated the provision of medication to 310 children aged up to 14 who suffer from this disease. On 8 June 2009, as part of that project, the Heydar Aliyev Foundation and the well known French pharmaceutical company Servier provided medicines for the annual treatment of 100 diabetics. Moreover, 1,200 boxes of the medicine "Diabeton MR were donated to diabetics from shahid, refugee, internally displaced and low-income families.

445. International cooperation is developing successfully. The formulation and implementation of joint strategies, the participation of external donors and international organizations in health protection, the Government's extensive political involvement and the medical community's mobilization have ultimately led to significant results.

446. In 1997, amendments and additions were made to the disabled persons social protection Act of 1992, and the Act was accordingly renamed the disability prevention and disabled persons rehabilitation and social protection Act.

447. Under article 14–1 of the Act, disabled persons may, in accordance with the procedure established by law, use in public medical establishments free specialized medical services covered by budget allocations, purchase medicines at reduced prices in pharmacies and be admitted to health resort establishments on a priority basis.

448. Under article 14–2 of the same Act, rehabilitation is carried out by rehabilitation establishments in accordance with individual rehabilitation programmes and the Government programme for the rehabilitation of persons with disabilities. Such establishments are managed in accordance with rehabilitation guidelines. Along with State rehabilitation establishments, non-governmental rehabilitation units may be set up.

449. On 1 February 2008, payment was abolished for medical services in treatment and preventive care establishments of the Ministry of Health, which are financed from the budget.

450. In order to support health sector reforms, the World Bank has allocated a US\$ 50 million credit for the area of primary health care. The pilot project concerned is carried out in the regions of Agdash, Ismailli, Qakh and Absheron. To ensure the continued implementation of the project, further allocations are planned by the Government (US\$ 28.3 million), the United States Agency for International Development (US\$ 8 million), UNICEF (US\$ 470,000) and WHO (US\$ 35,000) at the end.

451. The above project includes plans to build the material and technical capacities of medical establishments, provide modern medical equipment, and apply new forms of health financing and monitoring in the regions in question.

452. As part of the project entitled "Implementation of national employment strategy and development of the national social protection system, 2002–2025", signed on 18 July 2002 and carried out jointly by the Government and UNDP, measures were taken to improve the country's rehabilitation programme for persons with disabilities.

453. Thus, medical and health-improvement centres, including a residential therapeutic establishment for disabled war veterans, a sport and health-improvement centre for the disabled, and rehabilitation centres for their children, were set up in various regions of the country.

454. The national association of haemophilia is carrying out a project on preventing disability among haemophiliacs by providing them with necessary but costly coagulants and free physical therapy.

455. The medication Act, intended to facilitate access to medicines, took effect under a presidential decree of 6 February 2007.

456. By presidential orders building on health sector reforms, the Government agency on compulsory health insurance, attached to the Cabinet of Ministers, was created and an implementation plan for such insurance and a health services financing system were adopted.

Table 20  
**Basic health indicators**  
(beginning of year)

<i>Number of:</i>	2004	2005	2006	2007	2008
Physicians regardless of specialization (thousand)	29.7	30.1	30.6	30.8	32.4 <sup>a</sup>
Per 10,000 inhabitants	36.4	36.6	36.8	36.6	38.1
Middle-level medical personnel (thousand)	59.5	59.7	60.8	61.6	62.2 <sup>l</sup>
Per 10,000 inhabitants	73.1	72.6	73.1	73.2	73.1
Hospitals	734	732	729	726	748 <sup>l</sup>
Hospital beds (thousand)	68.1	68.4	68.9	68.4	68.1 <sup>l</sup>
Per 10,000 inhabitants	83.6	83.1	82.9	81.3	80.0
Hospital beds for children (thousand)	11.7	11.7	11.7	11.5	11.4
Outpatient polyclinics	1 591	1 594	1 595	1 589	1 692 <sup>l</sup>
Capacity (examinations per shift) of outpatient polyclinics	105.0	105.3	104.1	103.9	104.7 <sup>l</sup>
Per 10,000 inhabitants	128.9	127.9	125.2	123.5	123.0
Gynaecological units and children's outpatient polyclinics (independent or forming part of other establishments)	916	922	923	914	904 <sup>l</sup>
Beds for pregnant and in-labour women (including medical and gynaecology beds) (thousand)	7.4	7.4	7.4	7.4	7.4
Children's homes	4	4	4	4	4
Therein:					
Places	370	370	370	370	356
Children	152	144	156	142	105
Of whom orphans	57	55	59	61	38

<sup>a</sup> Including non-governmental health establishments.

457. In Azerbaijan, the HIV/AIDS epidemic is combated in accordance with international standards.

458. Although Azerbaijan is not one of the countries with a serious epidemiological situation with regard to HIV/AIDS, monitoring of that ailment has been strengthened and the number of related inspections significantly increased.



459. In order to ensure the donated blood safety, the country's entire stock of donated blood is checked for HIV infection. A national strategic plan for preventing and combating HIV/AIDS, 2009–2013, has been developed with WHO support.

460. Of the 1,815 HIV/AIDS cases recorded up to 31 December 2008, 1,744 involved Azerbaijani citizens. The main cause of HIV/AIDS infections (accounting for 62.7 per cent of cases, involving 1,744 patients), consists in the percutaneous intake of narcotic drugs. Within the framework of a Global Fund to Fight AIDS, Tuberculosis and Malaria programme, anti-retroviral therapy (ARV) is applied to 155 HIV/AIDS patients.

461. Various awareness-raising activities carried out by the Government committee on family, women's and children's issues in cooperation with the national centre for combating HIV/AIDS, the Global Fund to Fight AIDS, Tuberculosis and Malaria and other relevant State bodies and NGOs include the free distribution of booklets, calendars and approximately 1,500 condoms to young persons; anonymous information sessions; and related meetings and round tables in secondary and higher education establishments.

462. In order to raise awareness of this problem within the community at large, appropriate workshops, attended by 1,138,679 children, were organized in 1,758 educational establishments, including schools for the children of refugees and displaced persons.

463. In December 2007, on the initiative of the Ministry of Youth and Sport and UNICEF, the combat with HIV/AIDS was addressed at a national conference of young persons engaged in that effort. A declaration reflecting the participants' concern over the problem in question and proposing a method for its solution was adopted during the conference.

464. Every year, the Ministry of Youth and Sport organizes training and seminars for the staff of regional youth and sport units and representatives of youth organizations on the prevention of addiction, HIV/AIDS and harmful habits. Such events, conducted with the participation of experienced trainers, are aimed at promoting prevention among young persons through information and experience exchange, the review of activities carried out and the definition of future action, and include the distribution of relevant handbooks.

465. The legal regulation of reproductive health and family planning is crucial. The Parliament has completed the first hearing on a draft Act to assist young persons on issues of sexual and reproductive health and rights through a comprehensive approach to such issues; and public hearings are held in order to raise general awareness of the content of the Act.

466. As part of the "Stop AIDS. Keep the Promise" global campaign, the Ministry of Youth and Sport, in cooperation with the Reproductive Health Initiative for Youth in South Caucasus (RHIYC), organized in Azerbaijan on 1 December 2008 a reproductive health and young persons' rights of festival, which included, inter alia, exhibits of the work of young designers and graffiti artists; performances by young musicians, athletes and DJs; and the general distribution of information booklets and condoms.

467. As part of a project entitled "Reproductive health as a key element of the organization of young persons' recreation and the subject of awareness-raising campaigns" and with Ministry of Youth and Sport and RHIYC support, more than 50 seminars were organized in the country's capital and regions, with the participation of pupils, students and workers, who met at appropriate places, such as libraries, Internet clubs, schools and higher education establishment. That participants were provided with detailed information on the harmful effects of smoking and narcotics, the propagation of HIV/AIDS, and the preventive measures to be taken against that and other dangerous infectious diseases, which may lead

to sterility and death; and were presented a web page created in the framework RHIYC (<www.4uth.az>).

468. Under a presidential order of 1 July 2004 approving the Government programme for improving the living conditions and employment of refugees and internally displaced persons, such persons are provided, under the Government budget, with medication included in lists of medicines approved by the Ministry of Health, and with free medical examinations and treatment.

469. In 2008, 250,000 grade 1–4 pupils, attending 1,900 schools in 24 regions, underwent preventive large-scale anthelmintic treatment in two stages, in May and November.

470. The Government adopted a national strategy for the elimination of malaria, 2008–2013. As a result of targeted counter-epidemic measures, morbidity connected with malaria declined from 13,000 recorded cases in 1996 to only 71 in 2008, namely by a factor of 183.

Table 21

**Vaccination coverage among children**

(per cent)

	<i>Percentage of children inoculated against:</i>				
	<i>Tuberculosis (up to 1 year)</i>	<i>Diphtheria, whooping cough, tetanus (up to 1 year)</i>	<i>Poliomyelitis (up to 1 year)</i>	<i>Measles, German measles, epidemic parotitis (1 year)</i>	<i>Hepatitis B (up to 1 year)</i>
2003	98.5	96.5	97.5	97.2	96.9
2004	98.6	96.3	97.3	94.5	97.2
2005	98.0	93.2	96.5	94.2	95.4
2006	98.1	95.3	97.1	95.8	93.1
2007	97.8	94.8	97.0	95.1	97.2

471. Mother and child protection is the Government's most important and highest-priority goal. On 15 September 2006, a maternal and child health protection programme was adopted.

472. The above programme provides for the construction of perinatal care centres with fully up-to-date equipment in six cities and regions of the country (Baku, Nakhichevan, Shaki, Quba, Lankaran and Sabirabad). At the beginning of the year, similar centres were established and began to operate in the city of Gäncä and in the Baku national maternity hospital.

473. With a view to the development and monitoring of obstetrical services, 14 area centres for family planning were organized.

474. A draft reproductive health Act has been presented to the Parliament.

475. With UNICEF support, clinical protocols were prepared for neonatal resuscitation, effective neonatal care, and pregnancy-induced hypertension.

476. As a result of the measures taken, maternal and child mortality decrease every year. During the period 2003–2008, per 100,000 live births, infant mortality declined from 15.5 to 11.4 and maternal mortality from 37.6 to 26.3.

Table 22  
**Maternal mortality<sup>a</sup>**

	<i>Individuals</i>			<i>Per 100,000 live births</i>		
	<i>Total number of deaths</i>	<i>Of which:</i>		<i>Total number of deaths</i>	<i>Of which:</i>	
		<i>In urban areas</i>	<i>In rural areas</i>		<i>In urban areas</i>	<i>In rural areas</i>
2003	21	8	13	18.5	15.7	20.1
2004	34	25	9	25.8	42.4	12.4
2005	41	27	14	28.9	42.0	18.1
2006	51	33	18	34.2	46.8	23.0
2007	54	37	17	35.5	50.6	21.6
2008	40	23	17	26.3	31.1	21.7

<sup>a</sup> Mortality among pregnant women, women in labour and new mothers, related to complications during pregnancy, birth or the postnatal period.

Table 23  
**Infant mortality**  
(per 100,000 live births)

	2003	2004	2005	2006	2007	2008
<b>Total number of dead infants under 1 year of age</b>	<b>15.5</b>	<b>14.4</b>	<b>12.7</b>	<b>11.9</b>	<b>12.1</b>	<b>11.4</b>
<i>Including:</i>						
Boys	16.1	15.4	13.6	12.6	12.6	11.6
Girls	14.7	13.3	11.6	11.1	11.5	11.2
Urban areas						
<b>Total</b>	<b>14.1</b>	<b>14.6</b>	<b>13.5</b>	<b>13.8</b>	<b>14.7</b>	<b>14.2</b>
<i>Including:</i>						
Boys	15.3	16.7	15.4	15.3	16.4	15.6
Girls	12.7	12.1	11.3	12.0	12.9	12.5
Rural areas						
<b>Total</b>	<b>16.5</b>	<b>14.3</b>	<b>12.0</b>	<b>10.3</b>	<b>9.7</b>	<b>8.8</b>
<i>Including:</i>						
Boys	16.6	14.4	12.1	10.2	9.1	7.8
Girls	16.4	14.2	11.9	10.4	10.3	10.1

477. The combat against drug trafficking is based on legal and regulatory instruments, including the following:

- Act of 28 June 2005 on trading in narcotic drugs, psychotropic substances and their precursors;
- Act of 28 June 2005 on the approval of lists of narcotic drugs and psychotropic substances, trading in which is prohibited, restricted or monitored in Azerbaijan; and of precursors whose import into, export from, transit through or production in Azerbaijan are subject to a license or special permit;

- Act of 28 June 2005 on the approval of a list of narcotic drugs and psychotropic substances by volume entailing criminal liability and volume considered significant;
- Act of 23 December 2003 on a list of items which may be in the possession of specific traders and whose presence in the trade circuit requires a special permit, or trade in which is restricted;
- Act of 23 December 2003 on narcotic drugs service and controls;
- Presidential Decree of 28 June 2007 approving the programme against trafficking in narcotic drugs, psychotropic substances and precursors and the spread of addiction, 2007–2012;
- Presidential Decree of 26 August 1996 on measures against addiction and trafficking in narcotic drugs.

478. The overall number of recorded drug trafficking offences and the number of such offences linked in particular to the sale of drugs were, respectively, 2,114 and 742 in 2005; 2,266 and 774 in 2006; 2,396 and 881 in 2007; and 2,786 and 1,099 in 2008.

479. With regard to the offences thus committed, the number of cases resolved was:

- In 2005, 2,036 (96.3 per cent), of which 669 (90.2 per cent) concerned the sale of drugs;
- In 2006, 1,929 (85.1 per cent), of which 577 (74.5 per cent) concerned the sale of drugs;
- In 2007, 2,279 (94.2 per cent), of which 747 (84.9 per cent) concerned the sale of drugs;
- In 2008, 2,495 (91.4 per cent), of which 857 (79.0 per cent) concerned the sale of drugs.

480. In 2008, 1,126,262.99 g of various narcotic drugs were seized, including 213,725,733 g of marijuana, 723,372,891 g of hashish, 70,415,118 g of heroin, 116,009,237 g of opium, 565,400 kg of cannabis and 29,894 kg of poppy straw.

481. Of the 2,308 drug trafficking offenders (including 68 aliens) identified in 2008, 2,247 were men and 61 women.

## **Article 13**

482. Under article 42 of the Constitution, every citizen has a right to education; the State provides free obligatory secondary education; the education system is controlled by the State, which ensures that the most gifted students can continue their studies regardless of their financial status, and sets minimum educational standards.

483. A new education Act adopted by the Parliament on 19 June 2009 meets modern requirements and the relevant international standards in the area of education and training. The entry into force of the Act is currently being prepared according to the appropriate governmental procedure.

484. Various Government projects developed and adopted in the last six years and currently successfully carried out at the national level include the Government programme on higher education reform, 2009–2013; the Government programme on the development of vocational and technical training, 2007–2012; programmes for pre-school education reform and improved organization of education for children with special needs or health limitations; and the provision of free textbooks for public general education pupils.

485. Budget allocations for education increase every year. In 2008, education expenditures amounted to AZN 979.9 million (US\$ 1,224.9 million).

486. A strategic task for the country consists in raising the educational level by improving quality, ensuring equal opportunities for all, producing a highly trained human capital, building an education system conducive to sustainable development, formulating a consistent educational policy and guaranteeing equal access to education for all.

487. General education is the education branch that is largest and has the broadest population coverage. Development prospects for secondary general education include building general education schools furnishing them information and communication equipment, ensuring teaching personnel for the rural schools, providing pupils and students with free textbooks, improving the organization of secondary general education, creating new curricula and teacher training mechanisms, developing a new system for evaluating the pupils' and students' knowledge, ameliorating administrative mechanisms, and introducing new mechanisms for funding and strengthening the material and technical infrastructure of schools.

488. The Government programme on higher education system reform, 2009–2013, adopted by presidential order, demonstrates that education is a top priority of Government policy.

489. The programme's key goals are the following:

- Accelerating the process of integration of the country's higher education system into the global and European educational spaces;
- Aligning the content of higher education with the Bologna Declaration principles;
- Meeting the need for highly qualified staff in view of the expected growth of the country's economy;
- Ensuring the competitiveness of higher education;
- Developing an effective, modern and broadly accessible higher education system.

490. At the same time, the introduction in the higher education institutions of the multi-point rating system for evaluating the pupils' and students' knowledge served as a basis for transition to the credit system. In establishing the legal and regulatory framework for the credit system, account was taken of the experience of various countries, and standard regulations were adopted regarding the organization of credit system procedures. In a first stage, that system was implemented experimentally in 10 higher education institutions, and in the 2008–2009 academic year covered 21 public institutions of higher education.

491. Measures were taken for the recognition of degrees obtained in other countries. In accordance with the regulation for acknowledging other countries' higher education areas of specialization and determining equivalences with domestic degrees, a permanent commission was set up in the Ministry of Education. The basic objectives have been to prevent the inflow of poor quality specialists with a higher education degree into the country and to protect the country's labour market. On the basis of a model prepared by a working group of European Commission, Council of Europe and UNESCO experts, a standard higher education diploma supplement was developed and has started to be used in the country's higher educational institutions to eliminate problems related to mutual degree recognition in European Countries, and ensure transparency in the international recognition of qualifying degrees, higher academic and professional mobility of degree holders, and easier recognition of Azerbaijani degrees abroad.

492. In accordance with a presidential order of 31 January 2008 on measures to integrate Azerbaijani higher educational institutions into the European higher education space, the

Ministry of Education created a working group which, after studying the international practice, prepared a new list of specialization areas, aligned with the relevant documentation of UNESCO and other international organizations. This list was extensively discussed in higher education institutions and the Ministry and presented to the Government.

493. The general education concept and programme of studies adopted by the Government on 30 October 2006 contains provisions on standards regarding the content and results of general education, on the pupils or students at the various general education levels, on the number of hours for class work and extracurricular activities, on instruction results evaluation and on monitoring principles.

494. The beginning of the implementation of the new programme of studies during the 2008–2009 school year launched a landmark development in the general education system. Since 2007, approximately 9,000 first-grade teachers attended special courses and training on work under that programme.

495. In the country currently operate 1,619 pre-school establishments employing a teaching staff of 13,715 and attended by 103,902 children. In addition to public pre-school establishments, there are five private kindergartens attended by 346 children.

496. Within the framework of specific work carried out in cooperation with international organizations in order to improve the activity of pre-school establishments in the light of international experience and to introduce new general education technologies, 3,000 pre-school establishment managers and teachers attended training courses aimed at improving their professional skills.

497. For the first time in 20 years, new kindergartens, 11 in number, were built and began to operate; while 21 kindergartens were renovated and furnished with modern equipment and new teaching material.

498. Over an extended period of time, children's pre-school education coverage has not exceeded 16 per cent. Analysis has shown that the main pre-school education problems are lack of pre-school institutions in 30 per cent of the country's communities, absence of basic educational and teaching conditions in most rural kindergartens, non-repair in 70 per cent of kindergartens, and inadequate technical equipment. Moreover, 32 per cent of pre-school establishments serve to accommodate internally displaced persons.

499. On 12 April 2007, the President of the Republic approved a pre-school education reform programme, 2007–2010, aimed at solving the above problems.

500. The programme in question includes plans for optimizing the network of pre-school establishments, strengthening their material and technical infrastructure, upgrading their administration, enhancing the low-income groups' access to such establishments, improving their human resources and raising the social status of pre-school education.

501. The development of new kindergarten curricula meeting modern requirements is a basic task. Analysis has shown that, as a result of the lack of necessary conditions, only 20 per cent of first-grade pupils have undergone pre-school preparation. In that connection, it has been deemed advisable to create preparatory groups in general education schools. With World Bank and UNICEF assistance, pre-school preparation groups will begin to function in pre-school establishments in the 2009–2010 school year. The Ministry of Education is developing the pre-school preparation programme in cooperation with UNICEF.

502. Of the 4,545 general education schools, 31 are residential, 50 lyceums (secondary school specializing in the sciences), 8 gymnasiums (secondary school specializing in the arts and humanities) and 656 schools for children of internally displaced persons.

503. General education schools are attended by 1,483,311 pupils or students, educated or trained by 175,221 teachers. Currently, 1,360 new schools are being constructed for 300,000 pupils or students, 300 schools are being rebuilt and 506 schools are being furnished with modern equipment.

504. As part of school infrastructure renovation, under the Heydar Aliyev Foundation initiatives "New school for a new Azerbaijan" and "Children's homes and boarding schools", 226 new schools are built for 43,770 pupils or students; 39 schools are rebuilt and furnished with modern equipment, including 28 boarding schools for children in need of special care; and repairs are carried out in 8 kindergartens.

505. School construction and repair is steadily intensified. In late 2008, 161 new schools were put in operation and 129 schools were repaired. As a result of the construction or renovation of 1,600 schools in recent years, more than 700,000 pupils or students (approximately 50 per cent of their total number) study in schools which meet all modern requirements.

506. Under a 2008–2012 programme, there are plans to build 450 additional new schools and auxiliary structures for 600 schools and to renovate or repair 1,200 schools. Basic objectives are the elimination of multi-shift instruction and the adoption of the five-day school-week.

507. As part of the Government programme for the computerization of the country's education system, 2008–2012, an Information and Resource Centre (Data Centre), which is unparalleled in the South Caucasus and to which 200 schools are connected, was set up; while 300 additional schools will be provided with high-speed Internet connections by the end of 2009.

508. Under the same programme, work was completed on the first stage of establishment of an educational portal for publishing various educational resources. An integrated educational network will provide the possibility for high-speed information exchange among the country's educational institutions.

509. In all of the country's general education schools, there is considerable interest in information and communication technologies. Approximately 30,000 secondary school teachers are trained in that area and the Ministry of Education has provided training for approximately 100 teacher's trainers. There is currently one computer for every 29 pupils in general, and for every 15–17 pupils in most of the schools in Baku.

510. The country's general education system includes 19 special or boarding schools for children with special needs. These schools are attended by 6,450 pupils.

511. In the period 2005–2007, the Heydar Aliyev Foundation renovated and furnished with modern equipment 29 educational establishments for children with special-needs or deprived of parental care.

512. The following table shows the number of pre-school educational establishments, day and night general education schools, vocational schools and high schools, special secondary schools and higher education institutions.

Table 24  
Number of educational establishments of various types

	2003	2004	2005	2006	2007	2008
<b>Total number of pre-school educational establishments (at end of year)</b>	<b>1 780</b>	<b>1 761</b>	<b>1 764</b>	<b>1 760</b>	<b>1 658</b>	<b>1 619</b>
<i>Of which:</i>						
State	1 777	1 758	1 761	1 757	1 653	1 607
Non-State	3	3	3	3	5	12
<b>Total number of children in pre-school educational establishments (thousand)</b>	<b>110.9</b>	<b>110.1</b>	<b>110.0</b>	<b>109.5</b>	<b>103.9</b>	<b>103.6</b>
<i>Of whom:</i>						
In State establishments	110.8	109.9	109.9	109.3	103.6	103.0
In non-State establishments	0.1	0.2	0.1	0.2	0.3	0.6
Boys	57.5	57.0	58.0	58.4	55.2	55.3
Girls	53.4	53.1	52.0	51.1	48.7	48.3
<b>Percentage of children in pre-school educational establishments who are aged 1–5</b>	<b>19.9</b>	<b>19.6</b>	<b>19.1</b>	<b>18.2</b>	<b>16.3</b>	<b>16.1</b>
<i>Of whom:</i>						
Boys	19.3	18.9	18.7	18.1	16.9	15.9
Girls	20.6	20.4	19.6	18.4	17.5	16.3
<b>Total number of day general education schools (at beginning of school year)</b>	<b>4 553</b>	<b>4 544</b>	<b>4 550</b>	<b>4 529</b>	<b>4 555</b>	<b>4 550</b>
<i>Of which:</i>						
State establishments	4 542	4 533	4 538	4 516	4 538	4 533
Non-State establishments	11	11	12	13	17	17 <sup>a</sup>
<b>Total number of children in day general education schools (thousand)</b>	<b>1 680</b>	<b>1 632</b>	<b>1 584</b>	<b>1 535</b>	<b>1 487</b>	<b>1 429</b>
<i>Of whom:</i>						
In State establishments	1 676	1 627	1 579	1 529	1 480	1 422
In non-State establishments	4	5	5	6	7	7
Boys	874	851	831	804	783	759
Girls	806	781	753	731	704	670
<b>Total number of recipients of a general secondary education certificate (thousand)</b>	<b>95</b>	<b>121</b>	<b>122</b>	<b>115</b>	<b>113</b>	<b>106</b>
<i>Of whom:</i>						
Boys	49	63	64	60	59	55
Girls	46	58	58	55	54	51
<b>Total number of night general education schools (at beginning of school year)</b>	<b>12</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>7</b>	<b>7</b>



	2003	2004	2005	2006	2007	2008
<b>Total number of children in night general education schools (thousand)</b>	<b>9</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>
<i>Of whom:</i>						
Boys	5	2	2	2	2	2
Girls	4	1	1	1	1	1
<b>Total number of recipients of a general secondary education certificate (thousand)</b>	<b>5.8</b>	<b>5.4</b>	<b>0.7</b>	<b>0.4</b>	<b>0.5</b>	<b>0.3</b>
<i>Of whom:</i>						
Boys	3.2	2.9	0.5	0.3	0.4	0.2
Girls	2.6	2.5	0.2	0.1	0.1	0.1
<b>Total number of vocational senior high schools and other vocational schools (at end of year)</b>	<b>110</b>	<b>110</b>	<b>107</b>	<b>107</b>	<b>107</b>	<b>108</b>
<b>Total number of students of vocational senior high schools and other vocational schools (thousand)</b>	<b>22</b>	<b>22</b>	<b>23</b>	<b>23</b>	<b>24</b>	<b>25</b>
<i>Of whom:</i>						
Boys	15	15	15	17	17	17
Girls	7	7	7	7	7	8
<b>Total number of graduates of vocational senior high schools and other vocational schools (thousand)</b>	<b>11</b>	<b>11</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>12</b>
<i>Of whom:</i>						
Boys	7	7	7	8	9	10
Girls	4	4	4	4	4	2
<b>Total number of special secondary education schools (at beginning of school year)</b>	<b>60</b>	<b>59</b>	<b>60</b>	<b>60</b>	<b>60</b>	<b>60</b>
<i>Of which:</i>						
State establishments	55	55	56	56	56	56
Non-State establishments	5	4	4	4	4	4
<b>Total number of students of special secondary education schools (thousand)</b>	<b>53.7</b>	<b>55.8</b>	<b>57.9</b>	<b>56.9</b>	<b>53.5</b>	<b>52.6</b>
<i>Of whom:</i>						
In State establishments	52.3	54.2	55	53.8	51.5	51.6
In non-State establishments	1.4	1.6	2.9	3.1	2.0	1.0
Men	16.4	16.9	17.5	16.7	15.9	16.3
Women	37.3	38.9	40.4	40.2	37.6	36.3

	2003	2004	2005	2006	2007	2008
<b>Total number of graduates of special secondary education schools (thousand)</b>	<b>15.1</b>	<b>14.4</b>	<b>15.8</b>	<b>16.4</b>	<b>17.0</b>	<b>17.3</b>
<i>Of whom:</i>						
Men	4.1	3.9	4.9	5.3	4.6	5.1
Women	11.0	10.5	10.9	11.1	12.4	12.2
<b>Total number of higher education establishments<sup>b</sup> (at beginning of academic year)</b>	<b>47</b>	<b>47</b>	<b>47</b>	<b>47</b>	<b>48</b>	<b>48</b>
<i>Of which:</i>						
State establishments	32	32	32	33	34	34
Non-State establishments	15	15	15	14	14	14
<b>Total number of students of higher education establishments (thousand)</b>	<b>121.5</b>	<b>127.2</b>	<b>129.9</b>	<b>129.1</b>	<b>130.4</b>	<b>136.6</b>
<i>Of whom:</i>						
In State establishments	104.0	106.0	106.0	106.9	108.2	116.0
In non-State establishments	17.5	21.2	23.9	22.2	22.2	20.6
Men	65.4	67.5	67.9	67.9	69.2	74.2
Women	56.1	59.7	62.0	61.2	61.2	62.4
<b>Total number of graduates of higher education establishments (thousand)</b>	<b>28.5</b>	<b>31.2</b>	<b>32.5</b>	<b>28.1</b>	<b>31.3</b>	<b>32.6</b>
Bachelor's degree holders	25.8	28.1	28.5	23.3	27.3	29.8
<i>Of whom:</i>						
Men	15.3	15.8	15.5	12.0	15.4	16.5
Women	10.5	12.3	13.0	11.3	11.9	13.3
Master's degree holders	2.7	3.1	4.0	4.8	4.0	2.8
<i>Of whom:</i>						
Men	1.5	1.7	2.3	2.6	2.2	1.3
Women	1.2	1.4	1.7	2.2	1.8	1.5
<b>Total number of regular instructors of higher education establishments (excluding part-time staff)</b>	<b>12 995</b>	<b>13 630</b>	<b>14 352</b>	<b>14 358</b>	<b>13 738</b>	<b>14 352</b>
<i>Of whom:</i>						
Men	6 917	7 567	8 152	8 010	7 233	8 152
Women	6 078	6 063	6 200	6 348	6 505	6 200
Academic degree holders:						
Doctors of Science	1 079	1 180	1 249	1 417	1 268	1 297
Candidates of Science	5 865	5 610	5 878	5 831	6 241	6 533
Academic title holders:						
Professors	1 113	1 213	1 174	1 454	1 352	1 326
Lecturers	4 173	3 989	4 050	4 185	4 063	4 394

<sup>a</sup> Plus six branch establishments.

<sup>b</sup> Including specialized higher education establishments.

Table 25  
**Boarding institutions for children (at end of year)**

	2003	2004	2005	2006	2007	2008 <sup>a</sup>
Children's homes (under-fives)	4	4	4	4	4	4
<b>Total inmates</b>	<b>152</b>	<b>144</b>	<b>156</b>	<b>142</b>	<b>105</b>	<b>100</b>
Of whom orphans:	57	55	59	61	38	35
Children's homes (over-fives)	6	6	6	6	6	6
<b>Total inmates</b>	<b>750</b>	<b>719</b>	<b>734</b>	<b>648</b>	<b>564</b>	<b>550</b>
Of whom orphans:	249	232	438	209	318	300
Boarding schools for orphans and children without parental care	2	2	2	2	2	2
<b>Total inmates</b>	<b>500</b>	<b>494</b>	<b>480</b>	<b>450</b>	<b>449</b>	<b>400</b>
Of whom orphans:	348	341	330	289	232	200
Boarding schools for children with special health needs	12	14	12	11	14	11
<b>Total inmates</b>	<b>2 933</b>	<b>3 324</b>	<b>2 915</b>	<b>2 751</b>	<b>3 984</b>	<b>2 480</b>
Of whom orphans:	136	321	280	184	294	212
Boarding schools / homes for retarded children	2	2	2	2	2	2
<b>Total inmates</b>	<b>366</b>	<b>381</b>	<b>298</b>	<b>300</b>	<b>306</b>	<b>300</b>
Of whom orphans:	154	112	61	68	30	30
General boarding schools	39	38	39	34	31	30
<b>Total inmates</b>	<b>18 832</b>	<b>18 060</b>	<b>18 664</b>	<b>12 625</b>	<b>11 309</b>	<b>10 119</b>
Of whom orphans:	1 586	1 416	1 603	909	831	877

<sup>a</sup> Preliminary data.

513. In the framework the Government programme for the placement of children living in State institutions in families (deinstitutionalization) and alternative care, 2006–2015, 53 State institutions for children were evaluated. The findings of the evaluation were analyzed according to international criteria and appropriate proposals were prepared for the conversion of those establishments into general education schools, lyceums, gymnasiums or day care or rehabilitation centres for children. Based on those proposals, there are plans to proceed with 12 such conversions during the first year, 20 during the third and 23 during the fifth.

514. That same programme provides for the organization of social assistance centres, the conversion of part of boarding schools for children with special needs into rehabilitation centres and the return of children from such establishments to their biological parents.

515. As part of the implementation of the Government programme on the organization of the education of children with special needs, 2005–2009, a number of joint projects carried out with international organizations have involved more than 30 educational institutions and over 200 pre-schoolers and schoolchildren of the category in question.

516. According to the Presidential Decree of 1 July 2004 establishing the Government programme for improving the living conditions and employment of refugees and internally displaced persons, it is recommended to the heads of higher and secondary education

institutions to provide appropriate support in securing employment and grant tuition fee reductions to refugees and internally displaced persons. Persons in that category who attend public higher and secondary education institutions on a fee-paying basis are exempted from the payment of tuition fees; and internally displaced persons attending secondary general education schools are provided with textbooks free of charge.

Table 26  
**Schools for refugees**

	2003	2004	2005	2006	2007	2008
Number of public general education day schools for refugees and internally displaced persons	698	689	684	673	664	656
<b>Persons attending such schools (thousand)</b>	<b>93.5</b>	<b>94.2</b>	<b>91.1</b>	<b>88.3</b>	<b>86.2</b>	<b>82.7</b>
<i>Including:</i>						
Boys	...	50.2	48.7	47.0	46.2	44.5
Girls	...	44.0	42.4	41.3	40.0	38.2

517. Under 2006 amendments to the Legal Status of Aliens and Stateless Persons Act, aliens and stateless persons residing permanently in Azerbaijan are entitled to education on an equal footing with citizens. Other aliens and stateless persons must pay for their education (save for obligatory general education, including the secondary level).

Table 27  
**Native language learning in general education day schools**

	2003	2004	2005	2006	2007	2008
<b>Total number of pupils or students of public general education day schools (excluding persons with special needs)</b>	<b>1 670 302</b>	<b>1 620 371</b>	<b>1 571 566</b>	<b>1 521 544</b>	<b>1 474 186</b>	<b>1 415 249</b>
<i>Including:</i>						
<i>Persons studying in:</i>						
Azerbaijan	1 557 935	1 509 482	1 461 358	1 412 033	1 366 888	1 313 428
Russian	110 021	108 692	108 165	107 624	105 534	100 155
Georgian	2 346	2 197	2 043	1 887	1 764	1 666
<i>Persons studying one of the following native languages as a separate subject:</i>						
Talysh	21 744	21 261	18 893	19 277	15 690	17 478
Lezgin	24 104	21 221	21 747	21 238	20 569	18 671
Tsakhur	895	822	723	665	597	564
Avar	2 771	2 536	2 283	2 087	2 014	1 859
Udi	364	281	288	226	251	223
Khinalug	98	96	92	80	83	113
Hebrew	102	73	79	62	64	159

## Article 15

518. The national cultural policy is based on the principles of equal opportunities to create and use cultural values and of protecting the country's cultural heritage. Everyone may create, use and disseminate cultural values, regardless of social or property status, national, racial or religious affiliation and gender.

519. The law guarantees freedom of intellectual and creative expression.

520. Under article 2 of the culture Act of 6 February 1998, cultural activity consists in the creation, collection, study, popularization, dissemination, exhibition and protection of cultural wealth.

521. Under article 33 of the same Act, cultural wealth consists in spiritual and aesthetic ideals; standards and rules of behaviour; languages; dialects; national and ethnic traditions and customs; historical place names; folklore; traditional arts and crafts; works of art and culture; methods and findings of scientific research into cultural activities; buildings, structures and items of historical and cultural value; and historically and culturally unique areas and objects.

522. Under the draft Azerbaijani cultural concept developed by the Ministry of Culture and Tourism, the country's cultural policy is to focus on the following seven main medium-term goals:

- (a) Implementation of modern culture and art administration methods:
  - (i) Continuation of decentralization processes based on proportionality between central and local executive authorities;
  - (ii) De-monopolization through the development of art management, a producer institute and the encouragement of modern administration;
  - (iii) Ongoing democratization with a view to the development of civil society, the protection of the national identity and the organization of private initiatives;
- (b) Development of a legal framework for:
  - (i) Comprehensive improvement of domestic legislation on cultural policy;
  - (ii) Broader cooperation in the framework of international treaties and bilateral agreements;
  - (iii) Improvement of copyright protection;
- (c) Diversification of funding sources:
  - (i) Determination of the optimum scale of budget allocations to art and culture;
  - (ii) Involvement of alternative funding sources (inter alia, sponsors, patronage and cooperation);
  - (iii) Use of modern marketing to improve the system of paid cultural services;
- (d) Development of a conceptual and informational framework:
  - (i) Conduct of methodological studies and public opinion polls and organization of such specialized events as, for instance, conferences and seminars;
  - (ii) Creation of databases, and design and implementation of related programmes and projects;
  - (iii) Provision of information on the country's art and culture through the national and international media and the Internet;

- (e) Human resources development:
  - (i) Meeting of the intellectual and material needs of cultural workers;
  - (ii) Improvement of the education and vocational training systems;
  - (iii) Support for young talents through, inter alia, specialized competitions, exhibits and festivals;
- (f) Modernization of the material and technical infrastructure:
  - (i) Construction of specialized buildings for art and culture enterprises;
  - (ii) Repair of cultural items;
  - (iii) Furnishing of cultural enterprises with modern engineering and information and communication technology facilities;
- (g) Development of international cooperation:
  - (i) Development of comprehensive cooperation in the framework of international organizations;
  - (ii) Strengthening of bilateral relations with leading European, American, Asian and African States;
  - (iii) Support for Azerbaijani national cultural centres operating abroad.

523. The particular historical, economic and cultural characteristics of Azerbaijan have through the ages helped the population to live under conditions of tolerance and respect for the cultures of other peoples and national minorities.

524. More than 20 different cultural associations function in Baku, including, inter alia, Russian, Ukrainian, Kurdish, Lak, Lezgin, Slav, Tat, Tatar, Georgian, Ingiloi, Talysh, Avar, Meskhetian Turkish, Jewish, German and Greek organizations. Representatives of three religions, namely Islam, Christianity and Judaism, participate on a permanent basis in all State initiatives and measures.

525. Azerbaijan's ethnic minorities enjoy equal cultural rights and access to the country's cultural heritage with the country's majority population.

526. Under article 8 of the culture Act, everyone has a right to preserve his or her national cultural identity and freely choose spiritual, aesthetic or other values. The State safeguards a person's right to cultural identity.

527. Under articles 48, 49 and 50 of the same Act, cultural minorities may maintain and develop international contacts with their historical homeland.

528. The Government implements specific programmes to preserve and develop the cultural values of national minorities and ethnic groups living in the country. Such programmes provide for cooperation with cultural centres and societies of ethnic minorities; theatrical tours by ethnic minority associations at home and abroad; organization of exhibitions reflecting the ethnography, art and customs of small peoples; promotion of artistic creation and performances which sustain the customs and traditions of ethnic groups; and provision of folklore costumes, musical instruments and technical equipment to amateur ensembles.

529. The multinational and multi-faith character of the population of Azerbaijan is a key aspect of inter-cultural dialogue, which constitutes a priority of national cultural policy.

530. In that context, the Ministry of Culture and Tourism organized the traditional festival "Azerbaijan—my native land" in November 2006 and October 2008. The scientific conferences, photo exhibitions and preliminary and gala concerts carried out as part of the

festival attracted thousands of participants representing practically all national minorities and ethnic groups living in the various regions of the country.

531. Azerbaijan ascribes great significance to the protection and development of the cultural heritage of national minorities and ethnic groups living in the national territory and to the strengthening of mutual understanding and friendly relations among the peoples.

532. Azerbaijan's ethnic minorities are guaranteed equal cultural rights and enjoy equal access to the country's cultural heritage. All this is reflected in the culture Act. The various Acts relating to the field of culture and based on the principles of respect for human rights, including the cultural rights of ethnic minorities encompass, over and above the culture Act, the historical and cultural monuments security Act, the librarianship Act and the museums Act.

533. The Government undertakes specific efforts to preserve and develop the cultural values of national minorities and ethnic groups living in the country. A comprehensive plan formulated and currently implemented in that connection includes the following initiatives:

- Work with embassies and missions of countries that are the historical homeland of ethnic groups living in Azerbaijan;
- Cooperation with cultural centres and societies that currently represent small peoples;
- Holding of international conferences and national round tables devoted to the rights of cultural minorities
- Holding of seminar-conferences with cultural workers active in this field;
- Organization of exhibitions reflecting the ethnography, art and customs of small peoples;
- Tours of popular ensembles of ethnic minorities in Azerbaijan and abroad;
- Active participation of groups representing small peoples in region and nationwide cultural events;
- Holding of anniversary celebrations of outstanding representatives of the culture and art of small peoples;
- Awarding of honorary titles to directors of and participants in amateur artistic ensembles;
- Provision of folklore costumes, musical instruments and technical equipment to amateur ensembles.

534. In the context of the UNESCO Cultural Diversity programme, the Ministry of Culture and Tourism organized a project entitled "Cultural Diversity in Azerbaijan".

535. In December 2006, the Government organized, as part of the above programme, the "Azerbaijan - Native Land" festival, devoted to the art of ethnic minorities. Concerts involving 800 participants of over 40 ensembles of the city of Baku and 14 regions, representing practically all national minorities and ethnic groups living in Azerbaijan, were received with great interest and attention.

536. In connection with UNESCO's sixtieth anniversary, a gala concert and photo exhibition entitled "Azerbaijan, crossroads of civilizations and cultures", were staged at UNESCO Headquarters on 19 October 2006 to show the world community the unique potential and experience of Azerbaijani culture in conducting dialogue among civilizations and cultures.

537. The structure of the Ministry of Culture and Tourism includes offices dealing specifically with children's issues. Pursuant to an order of the Minister, the Ministry's regional bodies and cultural and artistic institutions were instructed to organize intensive publicity for the Convention on the Rights of the Child; recommendations were drafted and transmitted to the Ministry of Culture and Tourism of the Naxçivan Autonomous Republic and to municipal and district departments and offices for culture and tourism specifying the tasks of clubs, libraries, children's music and art schools, schools for the arts and other cultural institutions with respect to the protection of children; and measures were defined to improve the status of children and create an enabling environment for children's musical, artistic and choreographic education.

538. The country currently has 235 music, fine arts and other artistic schools, with an enrolment of more than 70,000 children. These schools provide their pupils with a general education in music, arts or dance, familiarizing them with culture and nurturing their aesthetic taste on the best models of national and international work. They produce enthusiasts for amateur artistic activities and train the most gifted children for admission to appropriate specialized institutions. Music schools in the occupied towns and districts operate in places where refugees are being temporarily accommodated.

539. Children from refugee and displaced families have free access to services in the fields of education and culture.

540. Baku has a music school for blind children. Children with disabilities are free to join clubs and use library services.

541. The Ministry of Culture and Tourism holds regular festivals and competitions in order to identify gifted children. The children perform in the best theatres and concert halls at events organized by the Government. Some of the festivals and competitions have become fixtures. These include the Goncha music festival, the Gadzhi Mamedov competition for performers playing folk instruments, the Kara Karaev young pianists' competition, and the national children's competitions for performers of mugham (traditional music), choral groups and wind, string and percussion players. Some 15,000 pupils from music schools and schools for the arts from all corners of the country take part in these festivals and competitions annually.

542. Pupils from children's music schools and schools for the arts perform with great success at various festivals and competitions held outside Azerbaijan.

543. For instance, the Azerbaijan State Children's and Youth Symphony Orchestra, the Children's Choral Chapel and students of the Baku Choreography School and Baku musical schools participated, with a programme entitled "Benevolent Angels", in the children's concerts commemorating the ninetieth anniversary of the Azerbaijani Democratic Republic and organized with great success on 20–27 May 2008 at the UNESCO headquarters in Paris; the Council of Europe headquarters in Strasbourg; the Strasbourg Cathedral; and the Palais des Congrès, Strasbourg's largest concert hall; and in Brussels, where European Union offices are located. These concerts were held with Heydar Aliyev Foundation support.

544. Special attention is paid to the development of children's creativity as artists. Young artists have taken part in international exhibitions of children's art in the United States, France, England, Israel, Japan, the Islamic Republic of Iran, the Russian Federation, the Czech Republic, Egypt and many other countries.

545. At present, 3,442 children's circles, groups and associations are in operation under the auspices of the Ministry of Culture and Tourism. The participants comprise more than 46,239 children and young persons.



546. Within the framework of the National Plan of Action for Human Rights Protection, the Ministry of Culture and Tourism created a public information and legal centre in the Jafar Jabbarli Republican Youth Library.

547. Similar centres were set up in the M. F. Akhundov National Library, the V. G. Korolenko Central City Library, other central libraries in various cities and regions (Gäncä, Zakatala, Shemakha and Geranboy) and other libraries not belonging to the library and information network of the Ministry of Culture and Tourism (such as, inter alia, the Presidential Library; the Library of the Parliament; the libraries of the Ombudsman's Office, the Supreme Court and the Police Academy; and the training centre of the Ministry of Justice). There currently exist 35 such centres.

548. Under the Government programme on poverty reduction and economic development, 2003–2005, cultural policy is focused on three main objectives:

(a) Providing incentives for cultural workers and enhancing their professionalism and knowledge;

(b) Developing the infrastructure of culture and art establishments to make them equally accessible to all;

(c) Protection of the cultural heritage and development of cultural tourism with a view to job creation.

549. Currently, 48,187 persons work in the country's culture sector.

550. There is currently no specific programme for stimulating employment in the culture sector because the area of culture is less affected by unemployment than are other fields. The problems are rather the cultural workers' low incomes and social status and the reduced consumer demand for cultural products. The average monthly wage of the staff of public cultural establishments is AZN 148 (US\$ 185).

551. From a gender equality perspective, it is worth noting that, in Azerbaijan, culture, like education, has traditionally been a mainly "female" field. Most of the persons working in, inter alia, libraries, museums, archives, musical schools and theatres are women. Women have also actively begun to engage in culture management and account for 70 per cent of the culture workers in Ministry of Culture and Tourism bodies. Women's presence is also high on key cultural-establishment and cultural-policy posts, such as those of the Deputy Minister of Culture and Tourism, division and section heads of that ministry, heads of local culture and tourism departments and units, and directors of many cultural establishments and art organizations.

552. Such specialized NGOs as, inter alia, "Women in music" and "Association of creative women" operate in the area of culture; and a series of periodicals for and about women is published.

553. As a result of the decentralization of budget expenditures on culture, 54.7 per cent of funds are distributed at the local level. The structure of cultural expenditures in the regions are currently determined by the local authorities and culture departments. At the local level, subjective factors play an important role, much depends on those responsible and, as monitoring shows, attitudes towards culture vary widely.

554. Centralized expenditure on culture is largely concentrated in Baku. In providing ongoing cultural funding, preference is given to organizations active on a national scale, most of which are located in the capital.

555. Expenditures on cultural events account for not more than 3 per cent of the average total household budget.

556. As a result of the country's rapid economic growth, annual public spending for culture is steadily increasing. In 2008, cultural expenditures per capita amounted to AZN 39.4, namely 3 per cent of total per capita expenditure.

557. The following table shows Government expenditure on culture, art, cinema and the restoration of monuments by level of administration in the period 2004–2008.

Table 28

**Government spending for culture, art, cinema and monument restoration, by administration level, 2004–2008**

(AZN thousand, unless otherwise indicated)

<i>Level</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	
Central	6 852.0	10 245.0	12 968.1	20 395.4	31 191.247	45.3 %
Local	10 199.6	15 500.0	20 572.0	30 378.1	37 571.127	54.7 %
Total	17 031.6	25 745.0	33 540.1	50 773.5	68 762.374	100.0 %

558. In recent years, the central Government expenditure rate, which as the table shows, attained 45.3 per cent, reflects the addition of the sector of tourism, without which the breakdown into central and local expenditure is, respectively, 40 and 60 per cent.

559. In 2008, new centralized investment in culture and tourism infrastructure amounted to AZN 220,150 thousand (US\$ 276.25 thousand).

Table 29

**New centralized investment in culture and tourism infrastructure, 2004–2008**

(AZN thousand)

	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Culture and tourism investment	950	1,807.8	12,004	67,548	220,150

560. In 2008, new centralized investment in culture and tourism training amounted to AZN 39,760.8 thousand (US\$ 49,701 thousand).

Table 30

**New centralized investment in culture and tourism training, 2004–2008**

(AZN thousand)

<i>Level</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Central	294.3	363.2	755.2	2 093.7	2 160.4
Local	12 524.1	13 870.0	20 762.7	32 673.0	37 600.0
Total	12 818.4	14 235.2	21 517.9	34 766.7	39 760.8

561. Total Government expenditure on culture, art, cultural and tourist training, centralized investment and the media increased from AZN 47,523,400 in 2004 to AZN 340,161,129 in 2008, namely by 715 per cent over the past five years.

Table 31  
**Total Government expenditure on culture in 2008, by sector**  
 (AZN thousand)

<i>Area</i>	<i>Direct expenditures</i>	<i>Transfers to the local level</i>	<i>Total</i>
Historical monuments	2 040		
Museums	2 569.061		
Libraries	3 219.421		
Concert or theatrical undertakings	10 267.27		
Cinema	6 308.537		
Cultural activities	8 123.422		
Total (on local culture)		37 571.127	
UNESCO activities	233.3		
Cultural tourism	6.295		
National gastronomy centre	99.423		
Grants to cultural workers	601.92		
Training	2 168.422	37 592.415	
Administration	1 559.718	655.15	
Capital investment	220.150		
Other	707.243		
<b>Total</b>	<b>264 342.437</b>	<b>75 818.692</b>	<b>340 161.129</b>

562. Cultural creation and creators receive support under the central and local budgets, which mainly finance cultural establishments, wages, emoluments, pensions and benefits. Other forms of State support for creative potential consist in the creators' involvement in Government programmes and projects; organizational and financial support for private projects, initiatives, festivals and competitions in various forms of art (theatre, music and the fine arts); participation in international activities; and provision of free primary, secondary and specialized higher education.

563. Access free of charge and on favourable terms to museums, reserves and monuments is reserved for participants in the Nagorno-Karabakh war, family members of those killed, disabled persons, pensioners, orphans, secondary and higher education students and all visitors on official holidays and international museum and tourism days. These measures are designed to enhance social awareness, civil unity and active participation in the country's cultural life.

564. According to 2008 data, of the more than 12,000 libraries operating in Azerbaijan and managed by various entities (State and non-governmental bodies and organizations), more than 4,200 public, youth, children's, museum, music school, theatre and other cultural-establishment libraries and library branch units answer to the Ministry of Culture and Tourism.

565. The country's largest libraries include the Republican Scientific and Technical Library (holdings: 14 million items), the M. F. Akhundov National Library (holdings: 5 million items), the Central Scientific Library of the National Academy of Sciences (holdings: 2.2 million items), and the Baku State University Scientific Library (holdings: more than 2 million items).

566. In 2008, the holdings of generally accessible libraries of bodies related to the Ministry of Culture and Tourism consisted of 34,782,366 printed and electronic publications, up by 3.5 per cent since 2007 and by 4 per cent since 2006. In 2008, new acquisitions of libraries consisted of 1.3 million books and electronic publications, up by 32.4 per cent since 2007 and by 58 per cent since 2006.

567. In 2008, there were 2,328,000 library users, up by 1 per cent since 2007 and by 1.6 per cent since 2006.

Table 32  
**Number of cultural facilities**

	2003	2004	2005	2006	2007	2008
Number of public libraries	4 124	4 090	4 004	4 021	4 033	4 035
Of which:						
Urban	661	643	624	622	632	633
Rural	3 463	3 447	3 380	3 399	3 401	3 402
Number of books and periodicals therein (million)	36.5	35.3	36.6	36.4	36.8	36.9
Of which:						
Urban	18.3	17.5	17.9	17.9	17.9	17.9
Rural	18.2	17.8	18.7	18.5	18.9	19.0
Copies per 1,000 persons	4 483	4 287	4 401	4 286	4 320	4 286
Of which:						
Urban	4 358	4 120	4 172	4 089	4 056	4 016
Rural	4 615	4 464	4 645	4 504	4 603	4 575
Number of clubs	3 066	3 030	2 763	2 759	2 760	2 762
Of which:						
Urban	407	657	393	394	389	390
Rural	2 659	2 373	2 370	2 365	2 371	2 372
Number of cinemas	17	19	21	19	17	14
Number of cinema entries (thousand)	116.1	123.3	115.4	177.1	159.2	133.2
Entries per 1,000 persons	14	15	14	21	19	16
Number of professional theatres	27	30	30	31	31	31
Number of theatre entries (thousand)	714	604	544	495	529	566
Entries per 1,000 persons	88	74	66	58	62	66
Number of concert organizations	13	13	13	12	12	12
Number of concert entries (thousand)	227	246	259	272	216	202
Entries per 1,000 persons	28	30	31	32	26	24
Number of museums	159	160	163	168	192	205
Number of museum entries (thousand)	1 131	1 501	1 477	1 399	1 409	1 383
Entries per 1,000 persons	139	183	179	165	167	162
Number of circuses	1	1	1	1	1	1
Number of circus entries (thousand)	133	102	103	113	119	119
Entries per 1,000 persons	16	12	12	13	14	14

	2003	2004	2005	2006	2007	2008
Number of zoos	1	1	1	1	1	1
Number of zoo entries (thousand)	64	80	93	96	97	100
Entries per 1,000 persons	8	10	11	13	11	12
Number of immovable historical or cultural monuments	6 308	6 308	6 308	6 308	6 308	6 308
Number of children's music, fine arts and artistic schools (at beginning of school year)	232	236	234	234	234	234
Number of pupils of children's music, fine arts and artistic schools (at beginning of school year)						
<b>Total</b>	<b>72 987</b>	<b>72 979</b>	<b>72 005</b>	<b>70 188</b>	<b>70 182</b>	<b>70 540</b>

568. With a view to preserving and disseminating the achievements of world civilization, steps are taken at State level for the modernization and development of the country's library and information network and for organizing library services for the population in line with contemporary standards. Such work is carried out in accordance with the presidential orders of 20 April 2007 on improving in the activity of libraries and of 6 October 2008 approving the Government programme for the development of the library and information service, 2008–2010.

569. In order to safeguard everyone's right to participate in cultural life and to use the attainments of scientific progress and of the information society, ongoing targeted work is carried out in the area of library and information services to preserve and enhance available information, and to ensure access to information society attainments and to information exchange in general; and measures are taken for the protection of the national cultural heritage and its transmission to future generations.

570. In order to preserve the national and world cultural heritage and to familiarize the population with those achievements, targeted work is carried out in the area of locating rare books and producing and publishing through the Internet electronic versions of books of historical importance.

571. In order to satisfy the information needs of every person more fully, libraries are systematically computerized. In the period 2004–2009, web sites, electronic catalogues and electronic libraries were developed for the M. F. Akhundov National Library, the Jafar Jabbarli Republican Youth Library, the Firudun Kocharli State Children's Library, and the central libraries in Gäncä, Shemakha, Gadzhikabul, Sabirabadskogo and other regions. In that connection, 2008–2010 were declared library computerization years. The right to free access to information is also promoted through the information and resource centres set up in Baku and in the regions (inter alia, the cities of Gäncä, Shirvan, Sumgait and Lyankyaran and the regions of Kurdamir, Khachmaz, Salyan, Gubin, Beylagan and Astara).

572. In order to ensure freedom of scientific and creative activity, a virtual hall was set up in the M. F. Akhundov National Library to provide access to the database of the Russian State Library; and there are plans to provide similar access to the electronic versions of theses defended in Azerbaijan.

573. In Azerbaijan's first children's information centre and book store, opened in the Mekhti Seidzade Central City Children's Library, it is possible to use free of charge or purchase any piece of literature currently on sale.

574. Since 2007, in order to ensure free access to legal information and on the initiative of the Ministry of Culture and Tourism, public legal-information centres operate in the main libraries of various departments in Baku and in the regions. In two years, these centres have been used by more than 10,000 scholars, students, researchers, pensioners and representatives of low-income social groups.

575. Special attention is paid to the establishment and development of international communication and cooperation in the area of library and information services. To that end, international forums and seminars are organized in the country, reciprocal missions take place, and the country's librarians participate in international events. For instance, as part of the Council of Europe "STAGE" Project, a group of Azerbaijani librarians participated in a regional symposium of South Caucasus librarians, held in Frankfurt in February-March 2005. In the framework of an agreement on cooperation in the area of libraries, 2004–2008, concluded between the Ministry of Culture and Tourism of Azerbaijan and the Ministry of Culture and Mass Communications of the Russian Federation, two internships were organized for Azerbaijani library specialists in Moscow, and a Russian-Azerbaijani seminar on "libraries and ecological culture" was held in the Zakatala region in 2007. Azerbaijani library specialists systematically participate in the work of, inter alia, the International Library Philosophy School (Kaliningrad), the All-Russia Library Innovation School (Belgorod), the Environmental School (Bryansk city), and the "Crimea" and "Libkom" International Conferences.

576. As part of the Council of Europe Minerva and Minerva Plus Projects, *Quality Principles for Cultural Websites: a Handbook* was translated into Azerbaijani and printed in 1,000 copies. The Ministry of Culture and Tourism cooperates with the Council of Europe Athena Project, a Minerva Plus extension.

577. International cooperation among libraries includes the development of interlibrary loans and international book exchanges and the creation of Azerbaijani book collections and stands in Austria, the United States, Hungary, Egypt, Indonesia, Korea, Syria, Finland, Poland, Rumania, the Russian Federation, Ukraine, Uzbekistan, Tajikistan, Kazakhstan, Turkey and Georgia.

578. A priority goal of the country in the area of library and information services consists in making a variety of information resources available to the population. To that end, the Ministry of Culture and Tourism developed and presented to the public at large an "Outline of the Azerbaijani information society model" and a "Conceptual plan for the development of the network of Azerbaijani public libraries through 2015".

579. In the period 2003–2009, specific measures were taken to ensure freedom of creation in the area of the cinema. In particular, various "best film idea" and "best scenario" competitions were organized free of any substantive, political or other restrictions. National and international film festivals are held; Azerbaijani films participate in tens of festivals abroad; and film exchange weeks and festivals take place in cooperation with other countries.

580. Contrary to earlier periods, since 2005, State orders for the production of films are placed not only with studios of the system of the Ministry of Culture and Tourism, but also, to the extent of more than 60 per cent of such orders, with private production enterprises. Currently, some tens of production companies or centres operate in the country. As a result, new creative talent and ideas find fertile ground in the cinema sector.

581. Opportunities to increase the number of films shot and the resources allocated to their production are seized in proportion to improvement in the State's funding capacity.

582. Increased attention is paid to the preservation of the cinematographic heritage. In 2009, a building furnished with modern equipment became available for housing the State film archive.

583. In order to strengthen measures against audiovisual piracy and enhance copyright protection, the registration of imported and domestic films has been streamlined since early 2007.

584. Azerbaijan participates in a number of multilateral international projects which contribute considerably to the protection and social development of human rights. Cooperation with the Council of Europe is a case in point. Significantly, in the period 2001–2005 Azerbaijan participated in the Council of Europe STAGE Project ("Support for Transition in the Arts and Culture in Greater Europe") for the South Caucasus. The initiative was aimed at the formulation of a new cultural policy, and support for cultural identities, cultural diversity, creativity and the participation of all social groups in cultural life. The main achievements of the project was the preparation, by a joint group of Azerbaijani and Council of Europe experts, of a national report on cultural policy in Azerbaijan (2002) and the organization of national debates on cultural policy (Baku, June 2003). Moreover, as part of the STAGE Project, European experts studied the country's library, museum and urban policy; and seminars and training activities were carried out on such vital questions as fund-raising and management.

585. The "Kyiv Initiative" (KI) regional programme for the South Caucasus countries and the Republic of Moldova and Ukraine was launched in September 2005 during the fifth (enlarged) Ministerial Colloquy of the countries participating in the STAGE Project. Based on this initiative and on STAGE project recommendations, the Council of Europe secretariat, in cooperation with the participating countries, determined goals and specified tasks for their attainment. Within the framework of the programme, multilateral projects are carried out on such topics as "heritage management", "wine making/ tourist exchange", "trans-border film culture", "route of Alexandre Dumas/ cultural routes" and "cultural policy and exchange". Initiated by the Ministry of Culture and Tourism, the project on the route of Alexandre Dumas in the Caucasus is of special interest and is carried out with the participation of Azerbaijan, Georgia, the Republic of Dagestan in the Russian Federation and France and with organizational support by the European Institute of Cultural Routes located in Luxembourg.

586. Azerbaijan actively cooperates with the World Heritage Centre and the Divisions of Cultural Heritage and Intercultural Dialogue of UNESCO; regularly sends specialists on missions to international conferences, seminars and symposia abroad; and participates in various UNESCO activities.

587. The Walled City of Baku with the Shirvanshah's Palace and Maiden Tower (in 2000) and the

Gobustan Rock Art Cultural Landscape (2007) (2007) have been included in the UNESCO World Heritage List; while, in November 2003, Mr. Koichiro Matsuura, Director-General of UNESCO, recognized the Azerbaijani mugham as a masterpiece of the Oral and Intangible Heritage of Humanity. Currently, the Ministry of Culture and Tourism is implementing, with UNESCO support, a relevant national plan.

588. National committees have been set up for such intergovernmental bodies of UNESCO as the International Council of Museums (ICOM), the International Council on Monuments and Sights (ICOMOS), the International Council of Music (IMC) and the International Theatre Institute (ITI).

589. The European Union/ Azerbaijan Action Plan encourages cooperation in the area of culture through the examination of collaboration possibilities within the framework of

existing European Union cultural programmes; and through exchange of views on the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions and on the promotion of its ratification and implementation.

590. In May 2005, an international conference on the creation of a GUAM cultural policy observatory was held in Baku. Taking into consideration their rich cultural heritage, the GUAM States, namely Georgia, Ukraine, Azerbaijan and Moldova, signed a protocol on cooperation in the area of culture within the GUAM framework, 2007–2010. The observatory web site, created by the Ministry of Culture and Tourism with the support of the UNESCO office in Moscow, was launched on 19 December 2007 in the Museum Centre of Baku. A project entitled "Development of the Information Observatory on GUAM Cultural Policy" provides in particular for studies on the formulation of State cultural policies (development of cultural concepts and Government programmes) in the countries in question.

591. Azerbaijan was elected member of the Advisory Board for the Implementation of Cultural Strategy for the Islamic World for 2005–2008. The Ministry of Culture and Tourism is rapidly developing cooperation relations with the Islamic Scientific, Educational and Cultural Organisation (ISESCO). A cooperation protocol was concluded between the Ministry of Culture and Tourism and ISESCO during the Fifth Session of the Islamic Conference of Tourism Ministers (Baku, September 2006). At the Fifth Islamic Conference of Culture Ministers (Tripoli, 21–23 November 2007), Baku was proclaimed Islamic Culture Capital for 2009. The programme of activities for 2009 includes, inter alia, various international and national official, scientific, technical, educational, training, artistic and cultural-touristic events, film festivals, book fairs, projects on the protection of Islamic cultural heritage, and culture days.

592. Chaired by the Minister of Culture and Tourism of Azerbaijan, the Council on Cultural Cooperation of the Commonwealth of Independent States (CIS) supports the Youth Delphic Games, and carries out various cooperation programmes and projects focusing on safeguarding cultural ties between the peoples of post-Soviet countries.

593. Azerbaijan is the only State simultaneously participating in the Council of Europe and ISESCO. On that basis, the Ministry of Culture and Tourism launched recently the "Baku Process" with a view to closed East-West ties.

594. In view of that important mission, various significant international activities were planned, the first of which has been the Baku Conference of Culture Ministers on "Intercultural dialogue as a basis for peace and sustainable development in Europe and adjacent regions", held on 2–3 December 2008.

595. Budget allocations to the area of science increase every year. In 2008, expenditure on science amounted to AZN 62.1 million (US\$ 77.62 million).

596. These budget resources were earmarked for fundamental science research, the activities of scientific research bodies and the provision of National Academy research institutes with modern equipment.

597. A national strategy for the development of science in Azerbaijan, 2009–2015, and a Government programme for the implementation of that strategy were adopted by a presidential order of 4 May 2009.

598. The above strategy includes plans for improving the administration system in the area of science, modernizing the scientific infrastructure, training the staff of that sector, and upgrading the material and technical infrastructure of research institutes.



599. Under article 51 of the Constitution, everyone has the right to freedom of creation; and the State guarantees freedom with regard to literary and artistic, scientific, technical and other types of creativity.

600. Under article 15 of the copyright and related rights Act of 5 June 1996, an author or other legal holder of rights enjoys the exclusive right to exploit the works in question in any form and by any means, save for cases specified by law. The author's exclusive right to exploit a work is taken to mean the right to perform, authorize or prohibit the following acts:

- Reproduction of the work (right of reproduction);
- Distribution of copies of the work by any means, including, inter alia, sale and rental (right of distribution);
- Import of copies of the work for distribution, including copies made with the permission of the owner of exclusive rights (right of import);
- Presentation of the work in public (right of public presentation);
- Performance of the work in public (right of public performance);
- Public performance designed to communicate the work to the public, including by air or cable broadcasting (right of public communication);
- Communication of the work to the public by air broadcasting, including first and subsequent broadcasts (right of public communication on the air);
- Communication of the work to the public by broadcasting through cable, wire or related means, including first and subsequent broadcasts (right of public communication by cable);
- Translation of the work (right of translation);
- Adaptation, arrangement or other transformation of the work (right of adaptation).

601. Exclusive rights to the exploitation of architectural, city-planning and landscaping projects cover the implementation of the projects. The author of an accepted architectural project may require the party that commissioned the work to allow him or her to participate in developing documentary material for the construction and in the actual construction of the building or facility, unless the contract otherwise provides.

602. Under article 19 of the same Act, the following acts are authorized without the author's or any other copyright holder's consent and without author's remuneration, provided that the name of the author whose work is used and the source of the loan are mentioned:

(a) Quotation, in the original language or in translation, for scientific, research, polemical, critical or informational purposes and to the extent justified by the intended purpose, of extracts from legally published works, including the reproduction of extracts from newspaper and magazine articles in press reviews.

(b) Use of extracts from legally published works in publications, radio or television broadcasts or sound or visual recordings of an educational character to the extent justified by the intended purpose.

(c) Reproduction in newspapers, journals and other periodical publications or public communication of legally published articles on current economic, political, social or religious topics or of broadcast works of such nature, insofar as the author or other copyright holder has not expressly prohibited such reproduction or public communication.

(d) Reproduction or public communication in current event reviews, through photography or air or cable broadcasting, of works seen or heard in the course of such events, to the extent justified by informational purposes. In such cases, the author retains the right to publish such works in collections.

(e) Reproduction in newspapers, journals and other periodical publications or public communication of political speeches, addresses, lectures and promotional statements or other works of the same nature, including statements made during judicial proceedings. In such cases, the author retains the right to publish such works in collections.

(f) Reproduction in Braille or by other special means for the benefit of the blind, without gainful intent, of legally published works, save for works created especially for such means of reproduction.

603. Article 33 of the same Act provides as follows:

"1. The performer shall be granted the following personal (non-property) and property (economic) rights:

(a) Right to be named;

(b) Right to the protection of the performance against any distortion or other derogatory act liable to prejudice his or her honour or dignity (right to respect for one's reputation);

(c) Save for cases specified in this Act, exclusive right to exploit the performance in any form, including the right to receive remuneration for any such use."

604. Under article 46 (2) of the same Act, the appropriate civil servants and bodies must take necessary measures, in accordance with the Code of Civil Procedure, the Code of Criminal Procedure or other domestic legislation, in order to ensure the restoration of infringed copyright entitlements and related rights.

605. Under article 14 of the patents Act of 10 June 1997, the exclusive right to use an object of industrial property shall be vested in the patentee, provided that he or she does not infringe the rights of other patentees or the provisions of the Act. Without the consent of the patentee, no one may use an item of industrial property protected by a patent.

606. Under article 165 of the Criminal Code, it is a criminal offence to make unlawful use of works subject to copyright or related rights, namely to publish such works under one's own name or to usurp authorship of another person's scientific, literary, artistic or other work, to republish or distribute such work unlawfully or to coerce a person to accept co-authorship of a work, if the action in question occasions significant loss.

607. Under article 166 of the Criminal Code, it is a criminal offence to infringe invention or patent rights, namely to make unlawful use of an invention or rationalization proposal or to divulge without the author's consent the gist of an invention or rationalization proposal prior to the official publication of relevant information, to usurp authorship or to coerce a person to accept co-authorship, if the action in question occasions significant loss.

608. Under article 183 of the Criminal Code, it is a criminal offence to steal any object or document of special historical, scientific, artistic or cultural value, regardless of how it is stolen.

### **III. Information on specific suggestions and recommendations contained in the concluding observations of the Committee (E/C.12/1/Add.104) on the second periodic report of Azerbaijan (E/1990/6/Add.37)**

#### **Paragraphs 15 and 41 of the concluding observations**

609. Under the Constitution and the Legal Status of Aliens and Stateless Persons Act of 13 March 1996, aliens and stateless persons enjoy the same rights and freedoms and have the same obligations as citizens.

610. Additions and amendments to the Constitution amplified the provisions which prohibit granting advantages and privileges on a discriminatory basis. The principle of equal rights for all underlies the country's legislation.

611. In order to give consideration to the social and economic rights of aliens and stateless persons and comply with the recommendations of the Committee, measures were taken in the period 2003–2008 to improve the relevant legislation.

612. Under the Electoral Code, adopted in 2003, stateless persons having resided in Azerbaijan on a permanent basis for at least five years may vote in presidential, legislative and municipal elections and in referendums. Aliens having resided in a municipal area for at least five years may vote in municipal elections in that area.

613. Under 2004 amendments to the insurance Act, aliens, stateless persons and foreign legal entities are entitled to insurance on an equal footing with citizens and legal entities of Azerbaijan.

614. Under 2005 amendments to the social insurance Act, aliens receiving wages or other income from sources in Azerbaijan are subject to compulsory State insurance.

615. Under the human trafficking suppression Act adopted in 2005, aliens and stateless persons recognized as human trafficking victims are not subject to administrative expulsion for one year. After that time limit, any such victims who cooperate with the criminal prosecution authorities may not be deported before the end of criminal proceedings.

616. Under 2006 amendments to the Employment Pensions Act, aliens and stateless persons residing permanently in Azerbaijan are guaranteed a pension on an equal footing with citizens.

617. In 2006, the Social Benefits Act established the right of aliens and stateless persons residing permanently in Azerbaijan to monthly and lump-sum benefits under the same conditions and procedure which apply to citizens.

618. Under 2008 additions to the copyright and related rights Act, the field of application of that Act, in accordance with international agreements and the principle of reciprocity, was extended to include aliens and stateless persons, over and above Azerbaijani citizens.

619. Under 2008 amendments to the targeted State social assistance Act, aliens permanently residing in Azerbaijan are persons taken into account in granting targeted State social assistance to families.

620. Moreover, the social and economic rights of aliens and stateless persons were taken into account in amendments to the State secrets Act, the cancer care facilities Act, the legal entities State registration and State register Act and other Acts related to economic activity.

621. The gainful employment of aliens in Azerbaijan is governed by the Labour Code and the labour migration Act of 28 October 1999. According to that Act, any able-bodied alien

or stateless person aged 18 years or older may engage in paid work in the national territory, subject to an individual work permit.

622. Under the law, aliens and stateless persons working legally in the country enjoy all work-related rights on an equal footing with citizens. In work relations, the law prohibits any discrimination against workers on grounds of citizenship, gender, race, faith, nationality, language, place of residence, property status, social origin, age, family status, beliefs, political views, membership of trade unions or public associations, rank or other factors unconnected with professional qualities or skills or the results of work; the creation of advantages or privileges directly or indirectly based on these factors; and the restriction of workers' rights.

623. On 11 December 1998, Azerbaijan acceded to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and on 21–22 April 2009 the Committee on Migrant Workers examined Azerbaijan's initial report under that convention.

624. In its observations and recommendations, the Committee on Migrant Workers commended the Government of Azerbaijan for its efforts to improve national legislation in the area of the protection of the rights of migrant workers and members of their families.

625. The State bodies responsible for dealing with migration within the country carry out periodically, through the media, information and awareness-raising campaigns on labour migration, particularly regarding issues related to legislation and referred to in the above convention.

#### **Paragraph 16 of the concluding observations**

626. The citizens' fundamental rights in the area of labour and social protection are enshrined in the Constitution.

627. Under paragraphs (2) and (3) of article 25 of the Constitution, men and women possess equal rights and liberties. Under that article, the State guarantees equal rights and liberties for all, regardless of race, nationality, religion, language, gender, origin, financial position, occupation, political convictions, membership in political parties, trade unions and other public associations. The rights and liberties of a person or citizen may not be restricted on the basis of race, nationality, religion, language, gender, origin, conviction or affiliation with a political or social group.

628. Under article 35 (2) of the Constitution, everyone has the right to choose independently, based on his or her abilities, a type of activity, a profession or occupation and his or her place of work.

629. The Labour Code, which entered into force on 1 July 1999, establishes minimum norms and standards safeguarding the labour rights of individuals and ensuring the implementation of such norms and standards.

630. The Labour Code prohibits any discrimination against workers on grounds of citizenship, gender, race, faith, nationality, language, place of residence, property status, social origin, age, family status, beliefs, political views, membership of trade unions or public associations, rank or other factors unconnected with professional qualities or skills or the results of work; the creation of advantages or privileges directly or indirectly based on these factors; and the restriction of workers' rights.

631. The employment Act of 2 July 2001 establishes the legal, economic and organizational foundations for State policy regarding the promotion of employment, as well as State guarantees for citizens with respect to work and the social protection of unemployed persons.

632. In accordance with article 6.2.1 of the Act, the securing to all citizens, regardless of race, nationality, religion, language, gender, family status, social origin, place of residence, property status, beliefs or membership of political parties, trade unions or other voluntary associations, of equal opportunities for the exercise of labour rights and of free choice of their employment is one of the pillars of the country's employment policy.

633. On 1 January 2009, the country's unemployment rate stood at 6.1 per cent. Of 44,481 persons officially registered as unemployed in 2008, women accounted for 46.9 per cent.

634. Within the framework of the Government programme for employment strategy implementation, 2006–2010, adopted by a presidential decree of 15 May 2007, measures are taken in order to, inter alia, ensure gender equality in relation to employment, promote women's competitiveness in the labour market, offer vocational training and retraining for women who are unemployed or seek work, develop the national and popular arts and crafts in order to raise employment among women, and carry out research to identify the causes of unemployment among women.

635. The "Programme for decent work through cooperation with the International Labour Organization (ILO), 2006–2009", signed between ILO and Azerbaijan, includes measures for developing and implementing special training activities for unemployed women and pilot projects for women's self-employment, and for encouraging entrepreneurship among women.

#### **Paragraphs 17 and 43 of the concluding observations**

636. The stable growth of macroeconomic variables has created favourable conditions for economic development with a social orientation, a higher standard of living of the population, job generation and increased employment. According to the Government committee on statistics, the successful implementation of the Government programme for the social and economic development of the regions, 2004–2008, which was adopted by a presidential decree of 11 February 2004, 766,277 new jobs, including 547,573 permanent ones, were created in the period October 2003–December 2008. Of these jobs, 80 per cent were created in the regions, and 86.1 per cent are in the non-Government sector.

637. A new Government programme for the social and economic development of the regions has been drafted for the period 2009–2013 in order to further the development in question.

638. In 2003, an economic activity survey, currently part of the country's statistical system, was carried out with UNDP financial support and ILO technical assistance in order to obtain basic information on the size and composition of the workforce. A second such survey was conducted in 2006 as part of a joint project with UNDP.

639. According to the Government committee on statistics, on 1 January 2009 the economically active population and the number of employed workers consisted of, respectively, 4,318,200 and 4,056,100 persons, up by, respectively, 13.6 and 8.2 per cent since 2003.

640. Azerbaijan's employment strategy, 2006–2015, approved by Presidential Decree No. 1068 of 26 October 2005, seeks to utilize labour resources more fully and ensure a rational employment of the population. The strategy's priority goals consist in building on social and economic reforms, developed market relations, and improved policies on taxation, investment, customs and education; and in ensuring the institutional development of the labour market so as to stimulate job creation.

641. The employment strategy is to be implemented in two interconnected stages.

642. The first stage covers the period 2006–2010 and aims at decreasing the unemployment rate considerably, strengthening the social protection of the unemployed and the socially vulnerable groups, improving the labour market, enhancing the quality and competitiveness of labour resources and promoting the economic activity of the population.

643. The second stage covers the period 2011–2015 and aims mainly at creating an environment conducive to the development of a workforce in line with international standards, deepening structural reforms, boosting investment activity and ensuring a highly developed human capital.

644. The Government programme for employment strategy implementation, 2006–2010, was adopted by Presidential Decree No. 2167 of 15 May 2007, with a view to the completion of the first stage of implementation of the employment strategy.

645. The main goal of the above programme is to ensure the attainment of the priority objectives to be achieved by 2011 according to Azerbaijan's employment strategy, 2006–2015, through the creation of a political, economic and institutional environment conducive to the development and rationalization of employment.

646. The measures provided for under the above programme in the period 2007–2010 are expected to:

- (a) Create an environment conducive to the implementation of a rational employment policy;
- (b) Improve the legislative framework on the area of employment;
- (c) Encourage the upgrading of labour resources, enhance their competitiveness and economic activity, and ameliorate the staff training system, including at the vocational and skills level, with a view to meeting the needs of a dynamically developing labour market;
- (d) Build institutional environment conducive to the development of the labour market in the regions;
- (e) Lower the unemployment rate;
- (f) Strengthen the social protection of the unemployed and job seekers.

647. Within the framework of the same programme and with a view to boosting employment among refugees and internally displaced persons, measures are taken for, inter alia, creating new jobs in densely populated and temporary residence areas and in newly built settlements for internally displaced persons; developing and implementing a mechanism to encourage employers to hire such persons; making vocational training available to such persons and assisting them to become self-employed; and developing modern technology networks in the areas of residence of internally displaced persons in order to build their skills in the field of computer applications.

#### **Paragraphs 18 and 44 of the concluding observations**

648. With regard to the social protection of citizens who are particularly in need of social protection, especially persons with disabilities, helping them to find work is a key component of Government action. The main objective of policy in that area is the creation of the conditions necessary for full utilization of the potential of that group through the labour market.

649. On 2 October 2008, Azerbaijan acceded to the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

650. In 2008, Azerbaijan acceded to the Council of Europe Disability Action Plan, 2006–2015, aimed at raising the standard of living of persons with disabilities, protecting their rights, supporting their full participation in society and improving the relevant legislation. As part of cooperation with the Council of Europe in the area in question, the above action plan was translated into Azerbaijani for publication on the Council of Europe web site.

651. Currently, the Cabinet of Ministers is developing a mechanism for the coordination of activities related to the implementation of the above action plan.

652. On an annual basis, the Cabinet of Ministers adopts a Government programme for funding measures ensuring the social protection of disabled persons. Such measures address issues related to the social protection, and ultimately the social integration, of disabled persons, especially the medical, social and professional rehabilitation of that group, which is in need of particular support and care.

653. A legal and regulatory framework currently in force provides disabled persons with guarantees in the area of employment, access to the labour market and further advantages with regard to finding jobs.

654. The employment Act of 2 July 2001 establishes the legal, economic and organizational foundations for State policy on the promotion of employment, and State guarantees for citizens with respect to work and the social protection of unemployed persons.

655. Article 9 of the above Act provides for additional guarantees regarding employment, especially in relation to persons in need of social protection, including disabled persons, and experiencing job placement difficulties. The group concerned includes persons under 20 years of age, parents raising one or more minor children, women raising disabled children, persons who are less than two years from pensionable age, disabled persons, citizens released from serving a prison sentence, displaced persons, war veterans and shekhid families. The methods of support consist in, inter alia, creating additional jobs and specialized enterprises or organizations (including entities employing disabled persons) and providing training through specific programmes. Under the Act, the local executive authorities, within the framework of their powers and according to the applicable procedure, define for the various enterprises, establishments and other organizations quotas for the citizens indicated in article 9 (1). The quotas are defined as a function of the local labour market conditions but may not exceed 5 per cent of an organization's average personnel.

656. A quota system for the employment of persons particularly in need of social protection and encountering difficulties in finding work and a list of enterprises exempt from such quota were adopted by decision of the Cabinet of Ministers dated 22 November 2005.

657. Under the afore-mentioned employment strategy, 2006–2015, approved by a presidential decree of 26 October 2005, and the Government programme for employment strategy implementation, 2007–2010, adopted by a presidential decree of 15 May 2007, measures are taken to strengthen the social protection of vulnerable social strata, including of persons with disabilities. Within the framework of the said strategy and programme, steps are taken to create conditions favourable to the social integration and increased employment of disabled persons; draw up an action plan for enhancing their employment; prepare psychological and professional tests to facilitate hiring the unemployed, including persons with disabilities; in accordance with procedures laid down by law, establish jobs quotas to ensure the employment of persons particularly in need of social protection, especially disabled persons; encourage employers to comply with such quotas; and initiate the administrative proceedings laid down by law against enterprises, establishments and organizations disregarding the quota or refusing to hire persons in the above category.

658. In order to implement sections 2.12 and 7.15 of the above programme, proposals for improving the legal framework and an action plan for promoting the employment of disabled persons are being developed.

659. In November 2006, ILO and Azerbaijan signed the "Programme for decent work through cooperation with the International Labour Organization (ILO), 2006–2009". Azerbaijan is the only Commonwealth of Independent States (CIS) country to be included by ILO in the list of ten lead countries of the Youth Employment Network (YEN). Within the framework of the above programme, steps are taken to develop and introduce specific projects aimed at ensuring the employment of disabled persons, strengthening their integration into the labour market, providing them with decent work, and developing and introducing specialized training for the most vulnerable population groups on "Starting and promoting a business".

#### **Paragraphs 19 and 45 of the concluding observations**

660. Under article 35 (3) of the Constitution, "no one may be forced to work". Under article 35 (5) of the Constitution, "on the basis of court decisions, there may be cases of compulsory labour, the conditions and periods of which are specified by law. Such labour may be imposed by authorized persons during a person's military service, in a state of emergency or under martial law".

661. Article 17 of the Labour Code (Prohibition of compulsory labour) prohibits coercing workers to perform work or services which fall outside the scope of their designated functions through the use of force of any kind or of any degree, or by threatening them with dismissal. Persons responsible for forcing employees to work shall be punished in the manner prescribed by law.

662. Under article 17 (2) of the Labour Code, compulsory labour is also permitted for the performance of jobs carried out under the supervision of the relevant government authorities in connection with a state of war or a state of emergency on the basis of the appropriate legislation, and also during the execution of court sentences that have become enforceable.

663. Under the European Prison Rules, convicts may engage in labour on a voluntary basis. The proportion of the convicts concerned exceeds 13 per cent.

#### **Paragraphs 20 and 46 of the concluding observations**

664. The Government ascribes considerable significance to wage increases and material welfare improvements for the workers of the various sectors. To that end, the minimum and average monthly wages are periodically increased as a function of the country's economic possibilities. In the last three years, the minimum wage increased by a factor of 2.5.

665. As a result of increases in the minimum wage, the average monthly income of workers has increased substantially. In the last five years, the average monthly wage has increased at an annual rate of 25–30 per cent, namely from AZN 77.4 (US\$ 96.3) in 2003 to AZN 268 (US\$ 333.5) in 2008.

666. Since 2001, a general collective agreement is concluded through a trilateral procedure involving the Cabinet of Ministers, the Confederation of Trade Unions of Azerbaijan and the Entrepreneurs' (Employers') Confederation of Azerbaijan. The General Collective Agreement for 2008–2009 currently in force provides for the gradual alignment of the minimum wage with the standard market basket and with the requirements of the revised European Social Charter.



667. Since the minimum wage system covers all categories of workers, including some 600,000 paid from the State budget, the scope available under the national budget is borne in mind in setting the minimum wage.

668. The procedure for setting the minimum wage includes an analysis of the financial and economic situation, covering the general level of wages in the country, the rate of inflation, the value of the standard market basket and the levels of social benefits and pensions.

669. That analysis, carried out by the Ministry of Labour and Social Protection, the Finance Ministry, the Ministry of Economic Development and the State Fund for Social Protection, is transmitted to the Cabinet of Ministers. In that connection, consultations are held with trade unions and employers.

670. The Cabinet of Ministers then prepares proposals and transmits them to the Executive Office of the President of the Republic.

671. Monitoring of compliance with the minimum wage is the responsibility of the State Labour Inspectorate, a unit of the Ministry of Labour and Social Protection.

672. Reduction of an employee's wages in any way contrary to the rules on the inadmissibility of discrimination laid down in article 16 of the Labour Code and the setting of a wage lower than the minimum established by the State are prohibited.

673. Article 155 of the Labour Code provides that employees are, without discrimination, entitled to receive for their work wages no lower than the minimum wage set by the State. It defines that minimum wage as a social norm establishing in law, in the light of economic and social conditions, the lowest monthly wage payable for unskilled labour or services. Employees who, in the course of a month, have performed their duties for the specified period of time may not be paid less than the minimum wage set by the State. Collective agreements and contracts may provide for minimum wage levels above the State minimum. The minimum wage does not include bonuses, wage supplements, wage increases provided for in the wage system or overtime payments. The national minimum wage is set by presidential decree.

#### **Paragraphs 21 and 47 of the concluding observations**

674. Article 281 (1) of the Labour Code prohibits strikes in certain service sectors (hospitals, electricity supply, water supply, telephone services, air or rail traffic control, and fire fighting) that are crucial to public health and safety.

675. In order to obtain clarifications on the issue of prohibition of strikes, the Ministry of Labour and Social Protection officially contacted the appropriate State bodies, the national organs representing employers and workers, and the ILO headquarters with a view to reviewing relevant international experience. Discussions were held on the basis of the replies received. On the basis of information obtained from ILO under articles 544 and 563–568 of the Digest of decisions and principles of the Freedom of Association Committee of the Governing Body of the ILO, the hospital, transport, power, water supply, telephone and postal service sectors are among the basic areas, in which the conducting of strikes is limited and even prohibited.

676. Employees of legislative authorities, related executive authorities, courts or law enforcement bodies may not strike. In penal enforcement institutions, sentenced persons may not stop to work and go on a strike to settle labour disputes.

677. Under article 20.1.7 of the public service Act of 21 July 2000, public servants may not participate in strikes or other action disrupting the work of State bodies.

678. Article 280 of the Labour Code provides that employees' right to strike may be restricted under martial law or during states of emergency. It also prohibits the holding of strikes for political purposes other than in cases connected with the agreeing of the general principles of national social and economic policy.

679. Should the parties to a collective labour dispute in any of the above sectors be unable to resolve it by peaceful means, the dispute is submitted to compulsory arbitration. A decision taken by the central administrative board of the Ministry of Labour and Social Protection of 2 April 1999 on compulsory arbitration regulations, and registered on the same date with the Ministry of Justice of Azerbaijan as a legal and regulatory instrument under No. 154, established compulsory arbitration as a Ministry of Labour and Social Protection procedure to be followed in accordance with the regulations in question.

680. All parties to a dispute must immediately comply with a compulsory arbitration decision.

681. In 2006, paragraph 1 of article 6 of the trade unions Act, which prohibited trade unions to engage in political activity, was removed in line with Committee recommendations.

#### **Paragraphs 22 and 27 of the concluding observations**

682. Streamlining of the social protection system, including a reduction in the number of beneficiaries and the discontinuation of various types of benefits and advantages, made it possible to provide targeted social assistance to the population categories most in need.

683. According to the findings of a standard of living estimation and analysis survey based on a sample of 6,600 families, carried out in 2008 by the Ministry of Labour and Social Protection with technical support from the World Bank pragmatic poverty evaluation group and assessing the effectiveness of targeted social assistance, Azerbaijan attains one of the highest ratings in the world and shares with Ukraine the first and second place among CIS countries.

684. According to the survey, targeted social assistance accounts for more than half of the incomes of the poorest families (20 per cent of all families), which receive aid. Accordingly, the assistance in question is a key contribution to the subsistence of the lowest-income population groups. More than 85 per cent of such assistance is received by the poorest 20 per cent of households. Taking into account targeted social assistance, the level of poverty among that category is 48 per cent, compared to 67 per cent among other recipients of relevant benefits other than targeted social assistance. The impact of the targeted social assistance programme on the level of extreme poverty is even more significant inasmuch as without that programme the number of extremely poor persons receiving relevant benefits other than social assistance might be double.

685. As a direct result of steady economic growth and effective measures to promote employment the level of poverty in Azerbaijan declined from 49 per cent in 2003 to 13.2 per cent at the end of 2008.

#### **Paragraph 36 of the concluding observations**

686. Under the consideration procedure for citizens' applications Act of 10 June 1997, every person may appeal the decision of any body or official to the appropriate higher body.

687. Another available means of extrajudicial protection is to address the Human Rights Commissioner (Ombudsman).

688. Moreover, any person may appeal to a court in the manner prescribed by the decisions and actions or omissions infringing civil rights and freedoms Act.

689. The administration Act, adopted on 21 October 2005, laid the foundations and established legal mechanisms for administrative body activities related to the adoption, enforcement or cancellation of administrative acts.

690. A draft Code of Administrative Procedure is currently with the Parliament for consideration.

691. In compliance with obligations under the Convention on the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), appropriate amendments and additions to the Code of Civil Procedure and the Code of Criminal Procedure were adopted in 2004 and a procedure was established for reviewing enforceable court decisions on the basis of new circumstances, based on the Constitutional Court's recognition that the Supreme Court judgements or court decisions concerned violate the right to appeal, the Constitution and the law, or on a European Court of Human Rights confirmation of violations of provisions of the convention in question.

#### **Paragraph 37 of the concluding observations**

692. In light of the Consultative Council of European Judges (CCJE) opinion No. 4 (2003) on appropriate initial and in-service training for judges at national and European levels, a department for training judges, procurators and candidate judges was set up and attached to the Judicial and Legal Council.

693. The Academy of Justice was set up at the Legal Training Centre of the Ministry of Justice under a presidential decree of 17 August 2006 in order to upgrade the professional qualifications of persons having studied law at higher education level. The Covenant is one of the subjects studied at the Academy of Justice.

694. Under article 12 of the Constitution, the rights and freedoms enshrined in the Constitution are implemented in accordance with the international treaties to which Azerbaijan is a party. The provisions of the basic international treaties are incorporated into the national legislation and implemented by the courts.

695. Under article 4 of the courts and judges Act, in hearing cases, the courts are guided not only by the Constitution, the Acts and other legal instruments of Azerbaijan, but also by international treaties.

696. The National plan of action for the protection of human rights, approved by a presidential order of 28 December 2006, provides for full compliance with the requirements of United Nations covenants and other international treaties.

697. The Constitutional Court customarily bases its judgements on the provisions of international treaties and cites as sources the Universal Declaration of Human Rights or the above covenants.

#### **Paragraph 38 of the concluding observations**

698. In recent years, the legal framework governing judicial activity has been thoroughly studied in cooperation with Council of Europe experts and improved on the basis of European standards. This work was founded on the recommendation of the Committee of Ministers of the Council of Europe on the independence, efficiency and role of judges (1994), the European Charter on the Statute for Judges and CCJE opinion No. 1 (2001) on standards concerning the independence of the judiciary and the irremovability of judges.

699. The courts and judges Act was amended; and the Judicial and Legal Council Act, terms of reference for the Judges' Selection Committee, rules for the selection of candidate

judges, a code of ethics for judges, guidelines on court proceedings and other legal and regulatory instruments were adopted and are currently implemented in order to ensure the independence of the judicial authorities.

700. Under the new legislation, the Judicial and Legal Council is an independent standing body which has the function of a self-regulating judicial authority.

701. With a view to the selection of candidate judges (through examinations, interviews and long-term courses), the Judicial and Legal Council formed the Judges' Selection Committee, which brings together representatives of the general public and of NGOs.

702. Under the new rules, two competitive examinations were held in which more than 1,752 candidates took part, of whom 157 were admitted. That enabled the number of judges to be increased by 50 per cent. There are currently six judges per 100,000 inhabitants, compared to four in 2000. National and international observers have commended the selections as transparent and objective. New examinations are planned for May of the current year.

703. Under the new legislation, appointments to and dismissals from the post of judge are based solely on proposals by the Judicial and Legal Council. The President of the Republic takes the decisions for judges in courts of first instance, and Parliament for judges in other courts. Judges' appointments are of indefinite duration and subject to an age limit at 65. On proposal of the Judicial and Legal Council, that limit may be extended to 70 years of age in exceptional cases.

704. Legislation has established criminal liability for interference in the activities of the courts aimed at obstructing justice and for attempts on the life of a judge, murder threats, causing harm to the health of a judge or destroying or damaging a judge's property.

705. A State protection for judicial and law enforcement officials Act was adopted in order to protect the life, health, home and property of judges.

706. In view of the particular importance attached to the material and social security of judges, their salaries have been increased 25-fold since 2000, and their working conditions have improved considerably.

707. Public associations of judges play a substantial role in strengthening the independence of judicial system. Under the law, judges may form such associations on the basis of their common interests, voluntary participation and equal rights of the members.

708. Key international organizations, including financial institutions, have shown interest in the judicial and legal reforms carried out. A case in point is the judiciary modernization project carried out in cooperation with the World Bank.

709. A presidential order of 6 February 2009 approved the Government Programme for the development of the judicial system, 2009–2013, which introduces a set of measures to strengthen the independence of the judicial system, bring the functioning of the courts into line with modern requirements and make their work more transparent.

710. Amendments to the Constitution, which were adopted by referendum on 18 March 2009, contained provisions to ensure that the Constitution reflects even more fully questions relating to the administration of justice and the independence of the judiciary. The amendments entered into force on 31 March 2009.

711. In 2006, Azerbaijan became one of founding members of the International Association of Anti-Corruption Authorities (IAACA), created with United Nations support, and the Azerbaijani Minister of Justice was elected Vice President of that organization. As part of the combat against corruption, the Judicial and Legal Council initiated disciplinary proceedings for corruption-related offences against 6 judges in 2007 and 4 judges in 2008.

**Paragraph 42 of the concluding observations**

712. A Government Committee on family, women's and children's issues was created by presidential decree in 2006 in order to continue reforms in the State administration system.

713. In accordance with the relevant recommendations of the Committee, the gender equality Act was adopted in 2006. The Act defines the objectives of Government policy on gender equality and the State's responsibilities in ensuring such equality in, inter alia, economic and social relations, the implementation of labour law, and education.

714. In accordance with Committee recommendations, a number of measures aimed at preventing discrimination against women, enhancing their social protection and encouraging their participation in economic activity were taken in the period 2003–2008.

715. One of the aims of the Government programme for employment strategy implementation, 2006–2010, adopted by presidential decree in 2007, is to ensure gender equality in the area of employment. The programme includes measures to promote women's competitiveness in the labour market, encourage the development of women's enterprises, upgrade their professional qualifications and identify the causes of unemployment among women.

716. The Government poverty reduction and continuous growth programme, 2008–2015, approved by a presidential order in 2008, addresses inter alia issues related to the promotion of women's enterprises, the organization of retraining for women and the improvement of their working conditions.

717. In 2008, amendments and additions were made to the civil service Act and the employment Act in order to ensure gender equality.

718. Constitutional provisions establishing the right to equality were reinforced by referendum. In particular, under an addition to article 25 of the Constitution, no one may suffer damage or enjoy or be denied privileges or advantages on grounds related to, inter alia, race, nationality, religion, language or gender.

719. On 17 March of the current year, the Parliament adopted a decision to grant amnesty on the occasion of the Novruz holiday. That measure concerned nine thousand persons.

**Paragraph 44 of the concluding observations**

720. In accordance with the relevant recommendations of the Committee, measures were taken to improve legislation and adopt programmes related to the employment of persons with disabilities.

721. The Government programme for the social and economic development of the regions, 2004–2008, which was adopted by a presidential decree of 2004, contained a number of the measures aimed at safeguarding the rights of the most vulnerable strata of society, including disabled persons.

722. The disability and children's special needs prevention, and rehabilitation and social protection of disabled persons and children with special needs Act of 2004 contained significant amendments and additions providing for special measures regarding the employment of persons with disabilities.

723. Government authorities, various institutions and organizations, and public associations of disabled persons promote the employment of the persons concerned by creating appropriate enterprises and providing training through special programmes. Quotas for disabled persons are defined for enterprises, institutions and organizations regardless of their form of ownership.

724. Article 9 of the employment Act provides for additional guarantees regarding employment, especially in relation to persons in need of social protection and experiencing job placement difficulties (such as disabled persons and parents raising children with special needs).

725. To facilitate hiring persons with disabilities, the employment strategy, 2006–2015, approved by presidential decree in 2005, establishes hiring quotas for such persons; and provides for administrative proceedings, defined by law, against enterprises disregarding the quota, and for incentives encouraging employers to create jobs specifically for persons in that category.

726. A quota system for the employment of persons particularly in need of social protection and encountering difficulties in finding work and a list of enterprises exempt from such quota were adopted by a Cabinet of Ministers decision of 2005, according to which such quotas are calculated by the local employment offices and approved on an annual basis by the local executive authorities. Compliance with such hiring instructions is compulsory for all enterprises, regardless of their form of ownership.

727. Enterprises, establishments and organizations which do not comply with the quota for hiring disabled persons forfeit a State Social Welfare Fund amount equal to three official average monthly wages per job and per month concerned by the failure to comply.

728. The Government programme for employment strategy implementation, 2007–2010, adopted in 2007, includes measures promoting the social integration of disabled persons.

729. On an annual basis, the Cabinet of Ministers adopts a Government programme for funding the measures concerning the social protection of disabled persons. The latest such programme, adopted in 2009, provided for targeted expenditures on social protection, rehabilitation, comprehensive medical and social care, and social protection and integration measures for disabled persons during that year.

#### **Paragraph 48 of the concluding observations**

730. Under article 8 of the Social Benefits Act, the amount of social security benefits is increased at least once every year.

731. Targeted State social assistance began to be granted to low-income families on 1 July 2006, in accordance with the targeted State social assistance Act, aimed at meeting one of the six basic poverty-reduction strategy goals under the Government programme on poverty reduction and economic development, 2003–2005, which was approved by a presidential decree of 20 February 2003. In accordance with article 4 of the above Act, equality is one of the three fundamental principles governing social support. Accordingly, the social assistance in question is granted to all low-income families. Such assistance is extended, as appropriate, to Azerbaijani citizens and stateless persons residing permanently in the country.

732. As of 31 December 2008, targeted State social assistance had been granted to 163,409 families (9 per cent of which were refugee families) with a total of 749,965 family members. The per capita and per family benefit amounted to, respectively, AZN 22 (US\$ 27.5) and AZN 101 (US\$ 126.25).

733. According to the minimum subsistence level in 2009 Act of 25 November 2008, that level amounts to AZN 84 (105 US\$) on an average per capita basis.

734. According to the needs assessment criterion in 2009 Act, that level in 2009 amounts to AZN 60 (approximately US\$ 75).

735. According to the findings of a standard of living estimation and analysis survey based on a sample of 6,600 families, carried out in 2008 by the Ministry of Labour and

Social Protection with technical support from the World Bank pragmatic poverty evaluation group and assessing the effectiveness of targeted social assistance, Azerbaijan attains one of the highest ratings in the world and shares with Ukraine first and second place among CIS countries.

736. According to the survey, targeted social assistance accounts for more than half of the incomes of the poorest families (20 per cent of all families), which receive aid. Accordingly, the assistance in question is a key contribution to the subsistence of the lowest-income population groups. More than 85 per cent of such assistance goes to the poorest 20 per cent of households. Taking into account targeted social assistance, the level of poverty among that category is 48 per cent, compared to 67 per cent among other recipients of relevant benefits other than targeted social assistance. The impact of the targeted social assistance programme on the level of extreme poverty is even more significant inasmuch as without that programme the number of extremely poor persons receiving relevant benefits other than social assistance might be double.

737. On the basis of most of the relevant indicators, Azerbaijan's targeted social assistance programme can compete with the best analogous programmes of various countries worldwide.

#### **Paragraph 49 of the concluding observations**

738. Azerbaijan's legislation contains a mechanism for the criminal prosecution of persons who commit violence against women. In particular, the Criminal Code provides for punishment for various degrees of bodily injury, beatings, torture, the threat of murder, serious harm to health, rape, coercion to sexual acts and other offences of this nature. The constituent elements of these offences are set out in Chapter 22 of the Criminal Code (Offences against juveniles and family relations).

739. In the period 2003–2008, 199 persons were convicted under Criminal Code article 149 (Rape) and 23 persons were convicted under Criminal Code article 151 (Coercion to sexual acts).

740. Azerbaijan has joined the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence; and on 21 December the Azerbaijani Parliament adopted a declaration on combating violence against women, including domestic violence.

741. The national plan of action for the protection of human rights, adopted by a presidential order of 28 December 2006, instructs the State bodies concerned to step up the fight against violence against women, including domestic violence, to provide victims of violence with legal aid, compensation, rehabilitation, and medical and psychological assistance and to organize a large-scale public-awareness campaign.

742. In cooperation with the United Nations Population Fund, the Government Committee on the Family, Women and Children prepared a bill on the prevention of domestic violence, which was submitted for consideration to the Commission on Social Policy of Parliament.

#### *Training for judges on domestic violence issues*

743. Seminars on various legal issues, including domestic violence, are organized at the afore-mentioned department for training judges, procurators and candidate judges, which was set up and attached to the Judicial and Legal Council. The trainees also participate in related events organized by local and international NGOs.

744. The curriculum of the Academy of Justice includes subjects related to international instruments on human rights and fundamental freedoms, including the Convention on the Elimination of all Forms of Discrimination against Women.

**Paragraph 50 of the concluding observations**

745. In 2005, amendments were made to the Criminal Code, and punishment was defined for trafficking in persons (article 144–1), compulsory labour (article 144–2) and the disclosure of confidential information on human trafficking victims (article 316–1). In recent years, 167 were convicted under Criminal Code article 144–1.

746. In 2004, a presidential order enacted a national plan of action to combat trafficking in persons in Azerbaijan, which sets out the basic responsibilities of State bodies in combating that phenomenon and addresses questions of cooperation between State bodies, NGOs and international organizations with regard to implementing their activities, as well as the harmonization of these bodies by a national coordinator.

747. In 2005, the human trafficking suppression Act was enacted to establish the legal and organizational foundation for combating and preventing the phenomenon, define the legal status of victims and regulate questions relating to their protection and assistance.

748. In accordance with the Act, a helpline operates on a twenty-four hour basis and shelters and help centres were put in place at which victims of trafficking can receive food and medical, psychological, social and legal assistance.

749. At their request, human trafficking victims are granted asylum for a period of 30 days, regardless of their willingness to cooperate with the criminal prosecution authorities. In shelters, children are generally kept separately from other persons. Depending on the interests of the child, he or she may be placed with his or her parents. Children are given an opportunity to continue their education, maintain contacts and meet with their families.

750. Help centres are being set up to inform victims of human trafficking of the administrative and legal procedures that exist to protect their rights and interests, to provide medical, psychological and other assistance and to help them to reintegrate into society. Anyone who claims to be a victim of human trafficking may request assistance from these centres regardless of conduct or willingness to cooperate with the prosecution authorities.

751. In 2006, an individual social rehabilitation programme was devised for every victim in accordance with the rules on the social rehabilitation of victims of trafficking in persons approved by decision of the Cabinet of Ministers.

752. That same year, a decision of the Cabinet of Ministers confirmed the statute of the Support Fund for Victims of Trafficking in Persons, which exists primarily, inter alia, to cover victims' expenses and, within the limits of its authority, finance other activities relating to the social rehabilitation of victims of trafficking.

753. Also in 2006, the Cabinet of Ministers adopted a decision on the determination of the subsidies payable during reintegration to victims of trafficking. This sets the reintegration benefit at 30 times the standard accounting unit.

754. The 2009–2013 national plan of action to combat trafficking in persons in Azerbaijan was adopted by presidential order in 2009 for the purpose of continuing current efforts, improving the legal framework and institutional mechanisms, and enhancing the effectiveness of State bodies. The plan sets out measures to boost prosecution of human trafficking, enhance victims' safety and offer improved rehabilitation, cooperation, coordination and public information.

**Paragraph 51 of the concluding observations**

755. Under article 174 of the Criminal Code, illegal acts which are related to the adoption of children or placement of children under guardianship or custodianship or with host families to bring them up and which are financially motivated incur specific punishment. Article 172 of the same code establishes criminal responsibility for the substitution of



another person's child in medical establishments out of self-interest, feelings of revenge or other lowly motives by a person entrusted with protecting or caring for the child.

756. In 2004, Azerbaijan acceded to the Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption. By a presidential decree of 12 March 2007, the Government Committee on family, women's and children's issues was designated central body for the implementation of that convention.

757. In 2006, the Family Code and the Code of Civil Procedure were amended with a view to creating an effective control system and improving public administration and domestic procedures related to inter-State adoption. As a result, inter-State administration procedures were made considerably more rigorous, and multilevel Government control over the adoption process was established with the participation of all State bodies concerned. Moreover, the roles of these bodies and the central body's oversight powers regarding pretrial proceedings were clarified.

758. In 2008, the Cabinet of Ministers adopted rules for the accreditation of entities which provide legal services in connection with adoption.

#### **Paragraph 52 of the concluding observations**

759. Fully aware of its responsibility to ensure the protection of refugees and internally displaced persons, the Government continues to implement various comprehensive measures aimed at improving the social and economic situation of the group in question and ensuring their temporary social integration, in view of their eventual return to their homeland.

760. Under the Government programme for improving the living conditions and employment of refugees and internally displaced persons, approved by a presidential order of 2004, more than one hundred schools and tens of medical and children's establishments were created and various social issues were resolved.

761. In the last seven years, 61 settlements with the appropriate social infrastructure were built for refugees and internally displaced persons. The country's last tent camps were dismantled in December 2007. Of the US\$ 607.5 million spent on the construction of new settlements for internally displaced persons in the last five years, US\$ 183.5 million were spent in 2008.

762. As the last tent camps were dismantled, improved housing conditions were created for 70,000 internally displaced persons. In the last five years, 72,647 refugees and internally displaced persons were provided with jobs. As a result of Government action, the level of poverty among the refugees and internally displaced persons declined from 74 to 35 per cent.

763. Over the same period, US\$ 1,250 million were earmarked for the social protection of refugees and internally displaced persons.

764. By presidential order, the internally displaced persons' monthly food allowance was increased by 50 per cent as from 1 September 2008.

#### **Paragraph 54 of the concluding observations**

765. Under article 43 of the Constitution, the State assists in the construction of accommodations and takes special measures to ensure the exercise of the right to housing.

766. Under article 17 of the Legal Status of Aliens and Stateless Persons Act, aliens and stateless persons who reside permanently in Azerbaijan enjoy the right to State, departmental or social housing on equal terms and in accordance with the same procedures with Azerbaijani citizens, unless otherwise stipulated by law.

767. Under the youth policy Act of 9 April 2002, preferential credits and loans, whose amount and approval procedure are determined by law, are granted to young families to construct a house or acquire an apartment.

768. The mortgages Act of 15 April 2005 lays down the foundations for the granting and official registration of mortgages, loan reimbursement rules and other civil obligations connected with a mortgage, and the related rights and obligations of the parties.

769. The Azerbaijan Mortgage Fund was set up with the National Bank of Azerbaijan through a 2005 presidential decree on the creation of a mortgage system in the country.

770. In the same year, regulations regarding the above fund and rules for granting mortgages financed with resources of that fund were established by presidential decree.

771. In 2007, a presidential decree on the improvement of the mechanism for granting mortgages extended the mortgage period from 15 to 25 years, increased the ceiling on mortgages to AZN 50,000 and reduced the interest rate on mortgages from 12 to 8 per cent.

772. In order to improve the standard of living of young families and military personnel, the same presidential decree also established rules for granting preferential mortgages capped at AZN 35,000 and taken out for a 3–30 year period at an annual interest rate which may not exceed 4 per cent.

773. The bulk of the Armenian population of Azerbaijan sold or exchanged their houses or apartments under Azerbaijan Soviet Socialist Republic legislation. In many cases, Armenian residents of Azerbaijan migrated to Armenia illegally and forcibly occupied houses and apartments of Azerbaijanis residing in Armenian territory.

774. In view of the specific character of this issue and its direct link with the Armenia-Azerbaijan military conflict, questions of adequate compensation or alternative housing may be examined as part of resolving the effects of occupation, once the occupied territories are liberated and the internally displaced persons return to their houses in the occupied regions of Azerbaijan, including Nagorno-Karabakh.

#### **Paragraph 57 of the concluding observations**

775. As part of efforts to bring the work of the correctional system into line with international standards, the legal framework has been improved and steps have been taken to give effect to the rights of convicted prisoners. Accordingly, allocations from the central budget to the prison service have been multiplied over the last few years.

776. In reforming the penitentiary system, special attention is paid to cooperation with specialized international organizations and to the recommendations of international bodies, including the Committee on economic, social and cultural rights.

777. In 2000, the Government signed an agreement with the International Committee of the Red Cross (ICRC), the period of validity of which has been repeatedly extended. The agreement greatly facilitated ICRC representatives' visits to inmates.

778. Azerbaijan acceded to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 31 May 1996, and to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on 21 December 2001.

779. On 2 December 2008, Azerbaijan ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

780. Under the above European Convention, the European Committee for the Prevention of Torture (CPT) may freely visit the country's penitentiary establishments.

781. Cooperation with the Council of Europe and the European Commission is regarded as fundamental. A joint prison reform programme was launched with those organizations in 2006, with a budget amounting to 1.4 million euros. Under the programme, proposals have been prepared on further improving the legislation and management system in this area, training has been organized and activities conducted for the rehabilitation of convicts.

782. Since 2009, there are plans for implementing, with the European Commission, a justice reform support programme, one of whose objectives consists in modernizing the country's penitentiary system.

783. The process of prison system reform has gone hand in hand with substantial efforts in correctional facilities to provide amenities for and improve the living conditions and diet of convicted persons.

784. In recent years, in order to provide detention conditions which meet modern requirements in the penitentiary establishments, thorough maintenance and construction work is carried out, new housing blocks have been erected, and new sports stadiums and facilities, clubs and libraries are being built and put in operation to ensure that the inmates can spend their free time in a constructive manner. Facilities for short-term and extended interviews and meetings are being expanded and the necessary conditions provided for prisoners and their families. Moreover, premises are set aside for the conduct of religious services, and the inmates' diet has noticeably improved.

785. New penitentiary establishments, in line with international standards, are built with a view to improving and modernizing the of penitentiary system infrastructure.

786. To that end, the Ministry of Justice has requested assistance from CPT with a view to learning about penitentiary organization and operation practices in the European countries. On the basis of that committee's recommendations, the experience of Estonia and Finland in the area of the organization of penitentiary establishments was examined.

787. A mixed-regime prison complex, with a capacity of 400, that meets international standards, was put in operation in the Naxçivan Autonomous Republic in April of the preceding year. Construction has begun on similar facilities in Şäki (capacity 900) and Länkäran (capacity 1,000) and on a new prison (capacity 1,500) in the Umbaku township in the Garadagh district of the city of Baku.

788. On 29 May 2009, a new building, equipped with modern equipment and meeting international standards, for the remand centre of the penitentiary service of the Ministry of Justice was put into operation in the Zabarät township near Baku.

789. There are plans for the construction of new mixed-regime prison complexes in the cities of Gäncä (capacity 1,500) and Kyurdemir (capacity 1,000) and of a women's prison in the Garadagh district of the city of Baku. Thanks to the modern infrastructure of these facilities, and detention in room-like cells, convicts are more likely to attend classes, engage in useful work and sport and take sufficient fresh air.

790. In the prisons, special attention is paid to providing the inmates with qualified medical care, treatment, prevention, health-care and epidemiological attention; and the sanitation and hygiene conditions of detention are improved. The costs of medical care and medicines for convicted prisoners are borne by the State.

791. Pursuant to a special order of the Minister of Justice, upon entering penitentiary establishments, all inmates undergo a medical examination, a record of which is kept; and these persons' rights to any necessary medical care are respected in such establishments.

792. To provide convicts with medical care meeting modern requirements and to ensure the independence of medical specialists, the medical service has been removed from the penitentiary administration and a central medical authority operating within the Ministry of

Justice has been set up. The Ministry of Justice has placed advertisements in the media and organized competitive examinations to ensure the recruitment of properly qualified staff. Pursuant to a special order of the Minister of Justice, psychologists are provided for in the organization of all prisons.

793. Under a draft apprehended and arrested indictees' detention in remand centres Act, medical examinations would be carried out not only by the medical staff of the detention facilities, but also, at the request of the suspect or indictee or his or her counsel, by State or private medical establishments.

794. A Human Rights and Public Relations Office has been established within the Ministry of Justice to safeguard and protect the rights and freedoms of convicted and remand prisoners and maintain close cooperation with human rights NGOs in this area. Also, a special inspectorate in the Ministry provides internal oversight of enforcement of sentences. These bodies ensure an immediate, independent and comprehensive verification of information on the exercise of human rights within the system of justice, and appropriate measures are taken.

795. A public affairs committee, set up within the Ministry of Justice in 2006, ensures participation by civil society in the inmates' rehabilitation and in public oversight of prisons. The committee, which includes well-known human rights defenders and representatives of human rights NGOs, regularly monitors the penitentiary establishments and presents reports on its findings.

796. Measures aimed at improving detention conditions for convicted offenders are also contained in the Government Programme for the development of the judicial system, 2009–2013. The programme provides for ameliorating the legislation on the conditions and procedures of such detention; addresses issues related to the involvement of civil society in monitoring respect for the rights of indictees and convicts and their detention conditions. The programme also provides for aligning prisons and remand centres with international standards, and ensuring that detention conditions in penitentiary establishments meet the recommendations of international organizations and the requirements of the European Prison Rules.

797. In 2008, amendments and additions to the Code of Penal Enforcement and the Code of Criminal Procedure Act were adopted with a view to making the rules for enforcing and serving sentences more humane. Among other advantages for the inmates, the Act provides for broadening their rights to include education, psychological assistance, non-censorship of correspondence, reduction of withholdings on wages, and increase in spending allowances and number of visits and telephone calls.

#### **Paragraph 59 of the concluding observations**

798. Under the Constitution, the State provides free obligatory secondary education.

799. Under the children's rights Act, every child has a right to education.

800. Under amendments to the Legal Status of Aliens and Stateless Persons Act, aliens and stateless persons residing permanently in Azerbaijan are entitled to education on an equal footing with citizens. Other aliens and stateless persons must pay for their education (save for obligatory general education, including the secondary level).

801. In order to promote State support for children, sensitize civil society organizations to the problems of children and determine the country's demographic prospects, 2009 was declared Year of the Child by a presidential order issued in the same year. That initiative includes, inter alia, a set of measures regarding education.