

THE LAW OF THE AZERBAIJAN REPUBLIC

“On Social Protection of Internally Displaced Persons and Persons Equated to Them”.

Article 1 Purpose of the present Law

The present Law determines measures on placing and social protection of Internally Displaced Persons and persons equated with them in the Azerbaijan Republic and associated duties of the state bodies.

Article 2 Internally Displaced Persons and persons equated with them

For the purposes of this Law the persons being forced to leave the place of permanent residence in territory of the Azerbaijan Republic, moved in the other place within the country as a result of external military aggression, capture of the certain territories or presence of such territories under regular bombardment are considered Internally Displaced Persons.

The persons left the places of permanent residence in territory of the Republic of Armenia as a result of ethnic cleaning conducted in Armenia and other countries, both come and placed not permanently in the Azerbaijan Republic, are equated with Internally Displaced Persons.

Article 3 Scope of this Law

This law applies to the persons, who became an IDP since January 1, 1988 till the effective date of the present Law and who have come to the Azerbaijan Republic due to the reasons, stipulated in a part 2 of Article 2 of this Law.

The measures on social protection stipulated by this Law are valid within 3 years from date of creation of conditions for return of IDPs to their former places of residence and from the date of creation of conditions for permanent residence or for return equated with them persons to their former places of residence.

Acquisition of separate living space by persons equated with IDPs according to the housing legislation and civil - legal acts is considered as their permanent accommodation.

Article 4 Measures on social protection of Internally Displaced Persons and persons, equated with them

In regard to Internally Displaced Persons and persons, equated with them, (hereinafter referred to as "IDP") the following measures of social protection are applied:

- provision of temporary dwelling;
- provision with employment;
- social maintenance;
- medical provision;
- provision of education rights;
- privileges on usage of transport and public-municipal utilities;
- taxation privileges.

Additional social protection measures can be determined for IDPs by the legislation of the Azerbaijan Republic.

Article 5 Provision of the IDPs with living space

Accommodation of the IDPs is carried out by the appropriate executive authorities. Accommodation, administrative and subsidiary buildings, as well as other buildings which are habitable or can be made habitable can be used for accommodation. In case if the accommodation of the IDPs in such buildings, is not possible due to the high density of the residence in the certain settlements, they are accommodated in the camps, specially organized for the IDPs. The camps should meet the requirements, necessary for residence.

IDPs can independently find temporary residence as far as rights and lawful interests of other persons are not violated. In such cases the appropriate executive authorities should ensure resettlement of the IDPs the other living space within the same district.

Article 6 Allocation of land plots for IDPs, granting of loans and rendering technical assistance

For agricultural cultivation the IDPs are provided with the temporary land plots from the account of state and municipal land fund, granted with preferential loans, as well as technical and other assistance as stipulated by the state program.

Regulations and conditions for the allocation of the land plots, granting loans and rendering assistance is determined by the appropriate executive authority.

Article 7 Provision of employment for the IDPs

The employment of the IDPs is provided by the appropriate executive authority in conformity with the state program. State creates necessary conditions for independent employment of IDPs and for commercial and ownership activities.

The provision of employment for the IDPs is carried out through determining quotas in state bodies, enterprises and organizations and by establishing new posts, vacancies and realization of other measures.

If the provision of the IDPs with the permanent job is impossible, the appropriate executive authority shall provide the IDPs with temporary and seasonal works. It's not obligatory for IDP to present an employment book when applying for employed. The IDPs are more privileged to remain in their posts during staff reduction.

IDPs engaged in commercial and ownership activity can be granted bank loans within the rules and procedures established by the appropriate executive authority.

Article 8 Social provision for the IDPs

The IDPs not having a document showing the employment and salary record should be provided with pensions in accordance with the Law of the Azerbaijan Republic "On pension provision of the citizens".

Payments of social insurance to the IDP for temporary loss of work ability are paid in full amount irrespective of their work experience.

Article 9 Financial assistance to IDPs

The provision of IDPs with one-time and regular financial aid of foodstuffs and industrial goods is carried out by the appropriate executive authority.

The legal and physical persons, international organizations are free to render financial and other humanitarian assistance. The activity in rendering the humanitarian assistance to IDPs is coordinated by the appropriate executive authority.

Article 10 Medical provision for IDPs

The health service for IDPs is provided by the healthcare institutions located directly in territory of residence. The health service to IDPs, accommodated out of the settlements is provided by the appropriate executive authority.

IDPs shall be placed in state medical institutions out of turn and medical services rendered to them are free of charge.

The IDPs are provided with free-of-charge medicines within the procedure determined by the appropriate executive authority.

Article 11 Education rights of IDPs

Preschool and general secondary education of children of IDPs, placed in the camps established outside the inhabited settlements, is organized by the appropriate executive authority in conformity with the educational standards. Children of IDPs, getting study in secondary schools are provided with free-of-charge textbooks and study accessories.

IDPs studying in high or secondary specialization institutions owned by state are released of tuition fees. Private high or secondary specialization institutions may charge the IDPs on a privileged basis.

Article 12 Transportation services for IDPs

IDP's settled in the camps out of districts shall be provided with means of transportation to the nearest district by the appropriate executive authority.

If the dwelling place of an IDP is changed by the decision of the executive power, the appropriate executive body shall cover the transportation costs all property to a new place of settlement.

Article 13 Privileges on housing and communal services

IDPs are released of housing, communal (water, gas, electricity and etc.) and telephone service (excluding inter-city and international calls) payments.

Article 14 Taxation privileges for IDPs

IDPs are released of taxation on profit, identification card fee, as well as of fees to be paid for technical test and technical passports for vehicles obtained by the date of 1 June 1994 on the basis of property right, also all fees and payments for license plates and driving licenses.

Article 15 The international agreements

In case of arising of the contradiction between the present Law and international treaties of the Azerbaijan Republic, the international treaties are applied.

Heydar Aliyev

The President of the Azerbaijan Republic

Baku, May 21, 1999.

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