

ENGLISH

Original : RUSSIAN

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

Thirty-third session
Geneva, 8-26 November 2004
Item 6 of the provisional agenda

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC,
SOCIAL AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES IN
ACCORDANCE WITH ARTICLE 16 OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS

REPLIES BY THE GOVERNMENT OF **AZERBAIJAN** TO THE LIST OF ISSUES
(E/C.12/Q/AZE/2) TO BE TAKEN UP IN CONNECTION WITH THE
CONSIDERATION OF THE SECOND PERIODIC REPORT OF AZERBAIJAN
CONCERNING THE RIGHTS REFERRED TO IN ARTICLES 1-15 OF THE
INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL
RIGHTS (E/1990/6/Add.37)

1. GENERAL FRAMEWORK FOR IMPLEMENTATION OF THE TREATY

1. Please note the degree of impact of the Nagorno-Karabakh Conflict on to the ability of the Party to fulfill its obligations based on Treaty.

The continuation of the Nagorno-Karabakh conflict had negative impact on to the implementation of obligations assumed by the Republic of Azerbaijan with regards to the above-mentioned Treaty. It is not feasible to ensure the implementation of those obligations on the territories occupied as a result of Armenian aggression. The Nagorno-Karabakh conflict had resulted in over one million refugees and IDPs, thus creating enormous problems in terms of implementation of social obligations.

As it is well known, since 1988 the Republic of Azerbaijan was involved in military conflict with Armenia. As a result of aggression more than 17 000 of km² of the territory of the Republic of Azerbaijan, constituting around 20% of the territory of the country, were occupied, over 50 000 people were wounded or became disabled, more than 18 000 people were perished, more than 877 settlements, 100 thousand of residential buildings, more than thousand economic facilities, more than 600 schools and educational facilities, 250 medical facilities, majority of architectural monuments in the occupied areas were robbed or destroyed. As a result of aggression and ethnic cleaning on the territory of Armenia itself, as well as occupied Azeri territories, Azerbaijan counts more than one million refugees and IDPs.

Along with dwelling, industrial and agricultural establishments, a lot of cultural facilities left on the occupied areas: 927 libraries, 808 palaces, clubs and houses of culture, 85 children's musical school and schools of art, 4 state theatres, 2 concert organizations, 762 monuments of archeology and architecture, including 5 monuments of architecture and 7 monuments of archeology of international significance such as Khudaferin bridges (VII-XII century), Gandzasaray and Khedaferin cloisters (both XII century) in Kalbajar district, Mausoleum in the village Darbatli of Agdam district (1314), as well as the cradle of musical culture of Azerbaijan – the ancient city-reserve Shusha. Refugees and IDPs deprived of their basic cultural rights, access to cultural values and facilities left on occupied territories. All of these factors impact extremely negatively on to the ability of the Republic of Azerbaijan to fulfill its obligations to ensure cultural rights of the population of the country.

There are big problems and challenges in terms of ensure the right to work and employment resulting from the conflict and occupations of 20% of the territory of the country, which used to have 4000 facilities and 300 000 jobs.

The level of officially registered unemployment among the population of occupied territories is 203 times more than that of average for the Republic.

2. Please, note how does the cooperation of the Party within CIS impacts the implementation of rights ensured by the Treaty?

The multi-lateral and bilateral agreements in the different fields of mutual relation of the member States serve as legislative framework for inter-State relations within CIS. The Republic of Azerbaijan had joint a series of documents in CIS. There is cooperation in

the field of humanitarian, economical, social and cultural and other spheres, as well as joint meetings, consultations, etc are held.

3. Please, note if there is a national plan of actions for protections of human rights compatible to the 1993 Vein Declaration?

For the purpose of increasing the efficiency of actions taken to ensure human rights and in accordance with the stage of development of Azerbaijan, the State Program on Protection of Human Rights was adopted in June 18th, 1998 by the Decree of the President of the Republic of Azerbaijan.

4. Please note whether the Member State considers the issue of setting up the national institution on human rights in accordance with the 1991 Paris Principles, related to the national institutions for facilitation and protection of human rights.

On the way of building the democratic state our country had implemented a series of reforms. The Constitutional Law “On Commissioner on Human Rights (Ombudsman) of the Republic of Azerbaijan” was adopted on December 28th, 2001. Respectively, the material and legislative grounds to ensure the operation of the Apparatus of the Commissioner were developed as well.

For the purpose of scientific-research surveys with regards to the human rights issues, development of scientific recommendations and deepening the knowledge in the field of human rights, the Scientific-Research Institution on Human Rights under the National Academy of Sciences was established on November 30th, 1998 by the Decree of the President of the Republic of Azerbaijan.

5. Please note if the courts of the Member States accept the rights envisaged in the Treaty. Please refer to respective case-laws.

In practice general courts of our state, along with national legislation, refers to international legal documents the Republic of Azerbaijan is party to.

The Constitutional Court in its decisions refers to norms, set by international documents, for example, decisions of the Constitutional Court of the Republic of Azerbaijan on verification of the compliance of the Part 1 Article 109 of the Law of the Republic of Azerbaijan “On Pension Provision of Citizens” with Articles 25, 38, 71 of the Constitution of the Republic of Azerbaijan dated December 29, 1999, on compliance of the Part I of Article 143 of Labor Code of the Republic of Azerbaijan with Articles 25, 37 and Part I Article 49 of the Constitution of the Republic of Azerbaijan dated February 23, 2000, on compliance of the Part I of Article 106 of the Republic of Azerbaijan “On Pension Provision of Citizens” with the Constitution of the Republic of Azerbaijan dated May 22, 2001, etc.

It is, at the same time, should be mentioned, that a seminar on application of international legal norms in the practice of courts of the Republic of Azerbaijan was held on December 1-2, 2003.

6. Indicate the decree of independence of legal proceedings and how does that reflect the implementation of the rights reflected in the Treaty.

The legislation of the Republic of Azerbaijan envisages a set of actions to ensure the independence of judicial power, provided both in the Constitution and branch legislation.

Independence of judges, first of all, is guaranteed through being outside of political process. The Article 126 of the Constitution of the country prohibits involvement of judges in apolitical process and membership in any political party. According to the Article 105 of the Law on Courts and Judges, persons appointed to be judges before oath, should cancel their membership in any political party of any political organization.

According to the Article 127 of the Constitution, Article 97 of the Law on Courts and Judges and Article 14 of the Law on Constitutional Court, judges are not substituted throughout term.

According to the Article 127 of the Constitution, Article 101 of the Law on Courts and Judges and Article 16 of the Law on Constitutional Court, judges are untouchable and enjoy special immunity. This means that during the service term judges can not be called to criminal or administrative account, detained, arrested, searched, including personally and bringing.

Calling a judge to a criminal account is possible only after a complicated procedure and upon submission of the Prosecutor General.

Independence of judges is also guaranteed through a complicated multi-step process of calling them to the disciplinary account, divesting authority and dismissal.

In accordance with the Article 127 of the Constitution the direct or in-direct limitation of legal proceedings by somebody, illegal influence, threat or intervention is not allowed.

Similar provisions are envisaged in the Law on Courts and Judges and Law on Constitutional Court.

Provision of personal security envisaged in the law is also a guarantee for independence of judges.

Legislation sets forth a set of state actions on ensuring the health and property safety of judges and those close to him, and, moreover, judges enjoy the right to carry and keep arms.

Criminal Code envisages responsibility for preventing justice (Article 286), encroachment of life of a person administering justice and those close to him (Article 287), as well as threat or violent acts against them with regards to administration of justice (Article 288).

It is necessary to mention that independence of judicial power had received full legislative support. Within the framework of the intensive policy on legal-judicial reforms in Azerbaijan the Commission on Legal Reforms, comprising of prominent specialists in the field of jurisprudence, scientist lawyers, judges and officials of the law-enforcement entities was established in February 1996 by the Decree of the President.

A series of laws aimed at determining and strengthening the judicial power as an independent and effective system were adopted based on the Concept of judicial-legal reforms.

First of all the following laws should be mentioned as those of that list: Law on the Constitutional Court, Courts and Judges, On Prosecutors Office, On Legal Profession, On Police, On Operative Search Activities, Criminal Procedural and Civil Procedural Codes, On Appeal to Court with Regards to Illegal Actions of Public Officials, etc.

All these laws passed international expertise in the Council of Europe, got positive comments from experts and acknowledged as compliant with current European standards.

Along with this, specific actions for strengthening of confidence of population with courts were undertaken. These are, first of all, guarantees of impartiality of judges during the consideration and settlement of cases.

In the course of judicial-legal reforms a great deal of attention was paid to the provision of legal, social and material guarantees to judges, which is one of the key elements of ensuring their independence and impartiality.

7. Please not, whether the Office of the Commissioner on Human Rights (Ombudsman) started operating at full capacity, if yes, then whether it considers cases, related to economic, social and cultural rights.

One of the most important actions, envisaged in the field of protection of rights and freedoms of a human in Azerbaijan, was setting up the institution of Ombudsman – the Commissioner on Human Rights in the Republic of Azerbaijan. The activity of the Commissioner is secured and respectively regulated in the Constitutional Law of the Republic of Azerbaijan “On the Commissioner on Human Rights” adopted by Milli Majlis (Parliament) dated December 28, 2001.

According to the Article 1.1 of the Constitutional Law of the Republic of Azerbaijan “On the Commissioner on Human Rights”, the position of Ombudsman is set to secure the rehabilitation of human rights and liberties, as defined by the Constitution of the Republic of Azerbaijan and International Agreements Azerbaijan is party to and violated by the state authorities and local self-governing authorities and officials.

In July 2, 2002 there was a Resolution of Milli Majlis of the Republic of Azerbaijan on Appointment of the Commissioner of the Republic of Azerbaijan on Human Rights (Ombudsman).

3 months since appointment on October 28, 2002, Ombudsman started receiving and considering the complaints of applicants: according to the provisions of the above-mentioned law, for the purpose of implementation of legal, organizational, scientific-analytical, material and technical, financial and economical provision of the activity of the Commissioner the respective Apparatus was established.

The Apparatus functions in accordance with the Regulations “On Apparatus of the Commissioner of the Republic of Azerbaijan on Human Rights” approved by Ombudsman. The structure, manning-table and budget of the Apparatus of the Commissioner are approved by the Commissioner (Article 17 of the mentioned Law). The operation of the Apparatus is financed on account of the state budget of the Republic of Azerbaijan (Article 19 of the above-mentioned Law).

Ombudsman considers complaints of the citizens of the Republic of Azerbaijan and foreign citizens, as well as those without citizenship and legal entities with regards to violation of human rights (Article 8 of the Law).

There is a department for protection of economic and social rights in the Apparatus of Ombudsman. Based on the Ombudsman's initiative with participation of the official representatives of the Confederation of Trade Unions of Azerbaijan, Ministry of Labor and Social Protection of Population, Ministry of Economic Development, State Committee on Refugees and IDPs, a series of round table discussions on social problems and ways to resolve them, as well as on importance of joining the European Social Charter, specific problems, the ways to resolve them, proposals on joint cooperation in the field of protection of human rights and liberties were discussed and addressed to respective authorities.

8. Please note, to which extend the corruption is a barrier to the implementation of rights set in the Treaty.

For the purpose of strengthening the combat against corruption, the Decree of the President of the Republic of Azerbaijan "On Strengthening the Combat Against Corruption in the Republic of Azerbaijan" was signed in June 2000 with State program on combating corruption based on it. This year a Law "On Fighting Against Corruption" was adopted and will be enforced in January 2005. Until that it is proposed to finalize all legislative and organizational efforts, that may be required for implementation of this Law.

The Republic of Azerbaijan had ratified the "Convention on Criminal and Civil Responsibility in Fighting Corruption".

The Criminal Code envisages responsibility for taking bribe, giving bribe and abuse of powers.

According to the Article 311 of the Criminal Code it is envisaged to call to criminal account for taking bribe in the form of money, securities and other forms of property or property-like benefits by the official directly or through intermediary for action (non-action) in favor of briber or those whom they represent, if those actions (non-actions) are part of responsibilities of the official or official can facilitate this actions (non-actions) due to his/her position or can tolerate or patronize in general. The bribe is considered big if the value of money, securities, property and other property-like benefits exceed the conventional financial unit five thousand times.

The criminal responsibility also emerges in accordance with the article 312 of the Criminal Code for bribing official personally or through intermediary. Briber is not called to account if bribes were given as a result of threat from official or if person voluntarily reported on the case to the respective authority.

According to the Article 308 of the Criminal Code, the responsibility is envisaged for abuse powers, i.e. deliberate use of service powers, regardless of the interest of the service, for the purpose of personal gains of other kinds of self-interests, if this caused a significant damage to the legal interests of other citizens of organizations or the protected by the law interests of society or the state.

On March 3, 2004 the Decree of the President of the Republic of Azerbaijan "On Implementation of the Law of the Republic of Azerbaijan on Fighting Corruption" was adopted. According to this Decree, it was decided to set up a Department for Fighting Corruption under the General Prosecutor's Office of the Republic of Azerbaijan.

Currently the respective actions to ensure the implementation of this Decree of the President of the Republic of Azerbaijan are undertaken.

Based on the Decision of the President of the Republic of Azerbaijan the Members of the Commission on fighting corruption under the Civil Service Administration Council were appointed.

9. Please note the position of the Member State in terms of Additional Protocol to the International Treaty on economic, social and cultural rights.

The Republic of Azerbaijan participates in all major international agreements in the field of human rights and recognized the authority of respective Agreement Bodies of UN to receive and consider reports from individuals alleging being a victim of violation of human rights. For this very purpose, Azerbaijan had joined the Facultative Protocol to the International Covenant on Civil and Political Rights and Facultative Protocol to Convention on Abolition Discrimination Against Women, as well as made respective statement on UN Convention against Torture and other Cruel, Degrading and Inhuman Treatment and Punishment and International Convention of Elimination of All the Forms of Racial Discrimination.

10. Please note whether any consultations are held with NGOs in the course of process of preparation of the Report of the Member State.

Working Groups are established based on the Resolution of the President of the country for the purpose preparation of reports. These working groups include the representatives of the respective public authorities. According to common practices for preparation of reports to be submitted to the respective Agreement Bodies on human rights, the representatives of non-governmental organizations and independent experts, who have expertise in terms of assisting Government, through submission legal and practical information on current status on ensuring human rights, were also involved in to the process of preparation of those reports. The Azerbaijani Association on International Law and International Relations, which has sufficient experience in this field, was engaged in to this process.

The process of development of reports and their discussion in respective bodies on international organizations is widely covered in mass media.

In the course of preparation of the periodic reports based on the commitments for implementation of international documents, for example, the Ministry of Youth, Sports and Tourism holds meetings with non-governmental organizations. Namely, these issues are considered at meeting of the Public Council under the Ministry of Youth, Sports and Tourism (which includes more than 70 youth NGOs), and Coordination Council on Children's Problems (which includes more than 10 public and around 30 non-governmental organizations, acting in the interests of children). At that, the information on activities of those NGOs, responsible for obligations of the country under the international document concerned, as well as the results of the surveys on public opinion conducted by them, as well as their monitoring activities is collected. Both public authorities and NGOs can act as initiators of these kinds of discussions.

In terms of aspects of International Treaty on economic, social and cultural rights, related to the right collective bargaining, freedom of union the consultations were held with Confederation of Trade Unions of the Republic of Azerbaijan and National Confederation of Entrepreneurs' (Employers') Organizations of the Republic of Azerbaijan.

11. Please submit the information on measures, undertaken by the Member State in increasing public awareness, in general and in particular, teachers, judges, staff of police and other powers, as well as those involved in to the economy of provisions of Treaty. Is there any information about Treaty in the language of minorities?

According to the above-mentioned State Program for protection of human rights the Ministry of Culture was assigned to issues and to disseminate the news-papers, magazines, books and placates on protection of human rights.

According to the provisions of the Decision of the President of the Republic of Azerbaijan dated June 18, 1998 on measures in the field of ensuring rights and liberties of person and citizen the Ministry of Internal Affairs and Ministry of National Security were assigned and Prosecutor's Office and Supreme Court of the Republic of Azerbaijan were recommended to ensure general conclusion of practices on application of legislation in the field of human rights by bodies for inquiry, investigation and court, and elimination of cases of violation of human rights and liberties.

Ministry of Education and Ministry of Culture of the Republic of Azerbaijan, for the purpose of studying international acts of human rights, were assigned to develop textbook on human rights and liberties for high, special secondary and secondary educational facilities, to conduct contests, exhibitions, festivals on advocating human rights and liberties, ensuring advocating and dissemination of through mass media the measures implemented in the country in the field of protection of human rights and liberties, as well as ensuring publication and dissemination of special-purpose news-papers, magazines, brochures and placates on protection of human rights.

Based on the Decreed on the President of the Republic of Azerbaijan on protection of rights and liberties, state support to the development of languages and cultures of national minorities and ethnicities, living on the territory of the Republic of Azerbaijan dated September 16, 1992, the Ministry of Culture is Assigned to pay attention to the publication of education, information-reference and fiction in the languages on minorities.

12. Please submit the information about implementation of the recommendation of conclusive observations of the Committee on Preliminary Report of the Member State

On 22 on June of 2002, the President of the Republic of Azerbaijan had issues a Decree "On Development and Submission to the General Secretary of UNO the Second Periodic Report of the Government of the Republic of Azerbaijan on International Treaty on Economic, Social and Cultural rights". The working group comprised of representatives of different ministries and departments of the Republic of Azerbaijan was established based on the Decree accordingly. In the course of preparation of the second

periodic report by the Republic of Azerbaijan, the recommendations of the of conclusive observations of the Committee on Preliminary Report of the Republic of Azerbaijan were taken into account, as well as actions were taken to ensure their implementation.

On June 14, 1998 the Constitutional Court of the Republic of Azerbaijan was formed. This court, as well as the other bodies of judicial power, is independent from legislative and executive power. The Constitution and the Law of the Republic of Azerbaijan “On the Constitutional Court” define the status of the court, its competence and order of functioning. The main principles of the functioning of the Constitutional Court are build on the principles of supremacy of the Constitution, justice, independence, collectiveness and transparency.

Each an every person, according to the set procedures and requirements, can appeal to the Constitutional Court of the Republic of Azerbaijan against normative acts of legislative and executive powers, acts of municipalities and courts, that violate his/her rights and liberties for a decision to be taken by the Constitutional Court of the Republic of Azerbaijan.

Courts, in accordance with the procedures and requirements set by the legislation of the Republic of Azerbaijan, may apply to the Constitutional Court of the Republic of Azerbaijan for interpretation of the Constitution and Laws of the Republic of Azerbaijan in terms of implementation of human rights and liberties.

The Commissioner of the Republic of Azerbaijan on Human Rights is in a position to apply to the Constitutional Court of the Republic of Azerbaijan with regards to normative acts of legislative and executive powers, acts of municipalities and courts, that violate human rights and liberties.

The Constitutional Court of the Republic of Azerbaijan makes decision within the scope of own authorities.

With regards to the recommendation of the Committee of giving the Treaty a clear status within the intra-state legislation, it is necessary to mention that according to the Part II of the Article 148 of the Constitution of the Republic of Azerbaijan, “international agreements the Republic of Azerbaijan is party to are an integral part of the legislation of the Republic of Azerbaijan”.

According to the Article 151 of the Constitution of the Republic of Azerbaijan, “in case of any contradiction between the parts of the system of legislation of the Republic of Azerbaijan (including the Constitution of the Republic of Azerbaijan and acts adopted through referendum) and international agreements the Republic of Azerbaijan is party to, the later shall be applied”.

Apart from that, according to the Part II of the Article 12 of the Constitution of the Republic of Azerbaijan “the rights and liberties of a person and a citizen, listed in the present Constitution, are applied in accordance with the international agreements the Republic of Azerbaijan is party to”.

Part VI of the Article 71 of the Constitution of the Republic of Azerbaijan defines, that “the human rights and liberties on the territory of the Republic of Azerbaijan are applied directly”.

The above-mentioned provisions testify that international norms have direct power within internal jurisdiction and may be directly applied by courts and other public entities. In terms of effective control over the adoption of children by foreign citizens for the purpose of prevention of sexual and other forms of exploitation, it is necessary to

mention that the matter of adoption are regulated through Family Code of the Republic of Azerbaijan. Based on the Resolution of the Cabinet of Ministers of the Republic of Azerbaijan “On Approval of the List of the Diseases Restricting Adoption, Guardianship and Care” dated August 15, 2000, “On Approval of Rules for Registration of Children Deprived of Parental Care and Adopted”, “Rules for Registering Persons Willing to Adopt Children” and “Rules for Registration of Foreign Citizens and Those without Citizenship Willing to Adopt Children in Azerbaijan”, dated September 20, 2000, the adoption of children by foreign citizens or those without citizenship is allowed for only in case if it not possible for families of citizens of the Republic of Azerbaijan, constantly living on the territory of the Republic of Azerbaijan to adopt them, or in case if relative, regardless of citizenship and place of living refused to adopt the child. Adoption is made by the court based on application of a person(s) willing to adopt a child. Court treats the case of adoption as special one in accordance with the respective provision of civil-procedural legislation with participation of the designated body of the executive power for guardianship and care.

According to the decision of the Cabinet of Minister of the Republic of Azerbaijan, dated December 3, 1997, the Adoption Commission was set up under the Cabinet of Ministers of the Republic of Azerbaijan. This Commission is a Collegial Body, issuing permits for adoption of children by foreign citizens and those without citizenship in accordance with the Family Code of the Republic of Azerbaijan.

In terms of issue of establishment of trade unions and joining them, it is necessary to mention, that pursuant to Articles 1 and 3 of the Law of the Republic of Azerbaijan “On Trade Unions”, dated February 24, 1994, trade unions are independent public and non-political organizations, that voluntarily unites, on basis of individual membership, the employees, engaged in production and non-production sectors, as well as pensioners and persons getting education for the purpose of protection of labor, social, economic rights and legitimate interests at job place, by professions, sectors and at national level and acting on the basis of own Statute and the above-mentioned Law.

Employees, pensioners and persons getting education are free without any distinction, to set up a trade union based on own choice and without any preliminary permission, as well as join trade union for the purpose of protection of own legitimate interests, labor, social and economical rights and to be engaged with trade union activities.

For the purpose of achieving the objectives set forth in the Article 1 of the mentioned Law, persons in a number not less that seven, have the right to set up a trade union and, being united on voluntary basis, adopt its statute.

Membership of non-working pensioners and unemployed is regulated through statute.

Trade union voluntarily and independently may set up own primary, professional, sector, national and other federations (unions).

According to the Article 16 of the Law of the Republic of Azerbaijan “On Trade Unions”, trade unions in accordance with the goals and objectives set, may join international trade union organizations, be engaged with foreign economic activities according to the provision of the legislation.

According to the Article 5 of the above-mentioned Law, trade unions are independent in their operation from the bodies, departments, political parties, public unions and do not subordinate them. Any kind of intervention, which may lead to

prevention of implementation of rights of trade unions, except for cases envisaged in the Law "On Trade Unions" is prohibited. All trade unions, regardless of title and organizational structure, enjoy equal rights.

The issue of pensions is regulated through the Law of the Republic of Azerbaijan "On pension provision of military servants", dated April 29, 1992, "On Prevention of Disability, Rehabilitation and Social Protection of Disabled" Dated September 23, 1992, "On Social Protection of Children, Lost Their Parents and Deprived of Parental Care", dated June 22, 1999, "On Medical Insurance", dated October 28, 1999, "On Employment", dated July 2, 2001, "On Public Service", dated July 21, 2000, as well as Labor and Family Codes.

For last six years the volume of VVP is increased for 2.6 times, the rate of local currency became stable, investments in \$10 milliard were put in development of economics by means of all sources.

In 2001 the specific gravity of oil production was 91,3% upon total export. Up to the present day 70% of investments involved in economics of country are being directed to oil sector. With the object of proportional development of oil and other sectors, the development of the fields described above is determined as priority direction of economical politics which is being held in country. According to this, appropriate documents are accepted; the projects of state programs on development of different fields are prepared.

The modifications and annexes to the Law of the Republic of Azerbaijan "on citizens' provision of pensions" were accepted by Milli Mejlis of the Republic of Azerbaijan. On accepting of the Law of the Republic of Azerbaijan "About prevention of disablement, rehabilitation and social protection of invalids" the normative base on social development of population of this category was improved.

As a whole, more than 30 Orders and Decrees directed on improvement of population's social protection were signed by the President of the Republic of Azerbaijan. The following normative legal acts prepared by the State Committee of the Republic of Azerbaijan on agrarian reforms were approved by Decree of the President of the Republic of Azerbaijan dated on January 10, 1997 "About approval of some normative legal acts providing agrarian reforms":

- Provision on preparation and approval of complex projects of land-utilization on privatizing grounds of state farms, collective farms and other agricultural enterprises;
- Provision on determination of land pay with the subject to quality of privatizing lands of state farms, collective farms and other agricultural enterprises;
- Provision on transmission of lands engaged by individual living buildings, farmlands, collective and cooperative cottages, cottages dependent on the state country economy in to ownership of citizens who legally use it;
- Provision on privatization of lands of state farms, collective farms and other agricultural enterprises (including subject to the special cases);
- Provision about preparation, registration and issuing of documents about right for ownership on land and right for land use;
- Regulations on purchase and sale of lands;
- Regulations on property division on agricultural enterprises and transmission of its part in to municipal property.

The Decree of the President of the Republic of Azerbaijan dated on November 9, 1990 "About the State program on intensification of agrarian reforms and administration on entrepreneurship development in agriculture of the Republic of Azerbaijan in 1999-2000" considered provision of the further intensification of agrarian reforms in country and administration on entrepreneurship in agriculture.

Realization of the State program on reduction of poverty rate for 2002-2005 period will cover the following fields at first:

- System of social provision and pensions reforms;
- Medicine;
- Politics in education;
- Refugees and persons departed within country (forced migrants);
- Fixated politics;
- Monetary and bank sectors;
- Policy on investments;
- Policy on energy;
- Agriculture, local market, development of system of amelioration and irrigation;
- Ecological safety;
- Sport;
- Culture;
- Legal reforms of Court;
- Monitoring the poverty

The Decree of the President of the Republic of Azerbaijan about realization of the State program on development of small and medium entrepreneurship which is being planned for 2002-2005 was issued in August 17, 2002. With the subject of development of small and medium entrepreneurship the following components are included in to the Program:

- perfection of state regulation of entrepreneurship;
- defense intension of rights of entrepreneurship;
- financial and investment provision of small and medium entrepreneurship;
- support on structure modifications and technological development of small and medium entrepreneurship;
- acceleration of regional development;
- Technical support of small and medium entrepreneurship.

The promoters of the Bank of Micro financing are European Bank of Reconstruction and Development, Fund of development of Germany, Black Sea Bank of Trade and Development, International Financing Corporation. The final session of promoters of Bank was held and documents for registration were presented. The main goal of bank is presentation of credits for development of small and medium entrepreneurship.

The state oil fund was created with the subject of collection and effective management of incomes gained at the result of agreements realizations signed in the field of intelligence and exploitation of oil and gas fields. The Regulations of Fund was approved by the Decree on December 29, 2000 of the President of the Republic of Azerbaijan. Assets of Fund were repeatedly directed on ruling of the most important common national problems as well as liberal administration for refugees and persons departed within country (forced migrants).

It is also possible to separate out the following projects of Fund:

- Support on private initiative in agriculture. This project was implemented Zakatala region during 1997-2002 period by Fund of Development of Germany. 3,4 mln DM were allocated out for realization of the project.
- The project of the support on regional pilot agrarian business. TACIS allocated out 1,3 mln Euro for this project which was being implemented during 1998-2000.
- The project of integrated food provision. The society of Technical Aid of Germany allocated out 8,7 mln marks for this project which was being implemented in Khizi region during 1998-2003.
- The project of increasing of food goods in the Republic of Azerbaijan. The government of Japan allocated out a grant in sum of 731 mln yens for this project.
- Development of base of potatoes seed farming in the Republic of Azerbaijan. The government of the Netherlands allocated out \$US 750 thousand for this project which was being implemented during 1998-2001.
- Development and crediting of agriculture. World-Wide Bank allocated out \$USA 133,7 thousand for this project which was considered for realization during 1998-2000 period.
- Creation of significant agricultural enterprises. World-Wide Bank and International Association on Development allocated out 28,82 mln \$USA for this project which was considered for realization during 1997-2001 period.
- Preparation of reforms on pension's provision and social administration in the Republic of Azerbaijan. This project was implemented by World-Wide Bank upon financial support of the government of Japan together with International Association on Development in 1999-2001. A grant of 410 thousand \$USA was allocated out for realization of this project.
- The project of "Arrangement of the state of refugees and forced migrants in the Republic of Azerbaijan". This project was being implemented together with Higher Commissar of UNO upon deeds of refugees (UNHCR) during 2000 in Imishli region. The total amount allocated for the project was 57771 \$USA.
- The project of "Reform of social defense and pensions system in the Republic of Azerbaijan". This project was implemented together with the Program of TACIS during 2000-2002 period. Beneficiaries of the project were Ministry of Labor and social defense of population and the State Fund of social defense. 1200 000 ecu were allocated out for this project. At the present time the project is prolonged for 6 months with the budget of 298 000 euro.
- The project of "Development of system of social defense in the Republic of Azerbaijan" is being implemented together with the Development Program of UNO (UNDP) since 2002. Total amount of the project is 1 mln 200 thousand \$USA, 600 thousand of them will be allocated by UNDP and 600 thousand – by the government of the Republic of Azerbaijan.
- The project of "Modernization of rehabilitation equipment in rehabilitation centers". This project is being implemented by "itochu" company at the expenses of grant allocated by the Government of Japan in amount of 400 037 000 yen.
- The activity on free services for invalids needing prosthetic device and or thesis and on providing of materials and components necessary for prostheses and or thesis for rehabilitation centers in Baku, Ganja and Nakhchivan is being implemented together with International Red Cross Committee (IRCC).

International Red Cross Committee rendered technical aid in amount of 225 207 \$USA with the object of provision of centers mentioned above. Amount of technical aid for creation of branch of rehabilitation center in Ganja town is 50 thousand \$USA.

- Intensification of potential. In 2001 Islamic Bank of Development allocated 278,301.0 Islamic dinar and 361,800.0 \$USA.
- Formation of strategic economical development of Ministry of Finance of the Republic of Azerbaijan. In 2001 Asiatic Bank allocated 762,000.0 \$USA.
- Joint program on control of rivers. In 2002 TACIS allocated 74 thousand euro.
- Aid for implement of ecological politics and National plan of actions upon protection of environment in the Republic of Azerbaijan. In 2002 TACIS allocated 85220 euro.
- Development of system of social defense in the Republic of Azerbaijan. In 2002 Development Program of UNO allocated 1 mln 200 thousand \$USA.
- Improvement of rehabilitation equipment. In 2002 the Government of Japan allocated 412 thousand yen.
- Aid for preparation of the second project on irrigation with the subject of intensification of efficiency, stability and guaranteeing of irrigation system. In 2001 International Association of Development allocated 458 thousand \$USA.
- Aid for exploitation of auto road Baku-Yevlakh-Ganja. In 2001 the Government of Japan allocated 3 mln 200 thousand \$USA.

Azerbaijan cooperates with different international organizations and financing institutes. At the present day it is important to note that World-Wide Bank, International Currency Fund, European Bank of Reconstruction and Development, Asiatic Bank of Development are between these institutes. The following aid is done for Azerbaijan by these organizations:

- International Currency Fund allocated 435 mln \$USA for Azerbaijan with the subject of making of reforms, support of macro economical stability.
- International Association of Development allocated assets in amount of 491 mln \$USA for making of structure reforms, implementation of different projects in education, culture, infrastructure fields. In Decree to this 17 agreements are signed. At the present time 11 projects which cost 278,4 mln \$USA are on performance. Implementation of three projects is completed till 2001.
- Strategy of International Financing Corporation is directed on organization of bright sphere for intensification of investment flow in to oil sector. The special attention is being spared for reinforcement of financing sector, stimulation of development of small and medium entrepreneurship, support of investment in agrarian sector, protection of environment in industrial sector. International Financing Corporation allocated sum of 134,6 mln \$USA to Azerbaijan to finance 5 projects in different fields.

Questions concerning general provisions of pact (articles 1-5)

13. Please, give information about how a government-party ensures that various ethnic groups would be able to have rights specified in Pact without discrimination.

Article 25 of Constitution of the Republic of Azerbaijan fixes the right for equality. According to part III of the article, “government ensures equality of rights and liberations of everybody independently of race, nationality, religion, language, sex, origin, status, official status, opinion, belonging to political parties, trade unions and other public communities. It is banned to set bounds to human and citizen in rights and liberations depending on race, national, religion, language belonging, belonging to sex , origin, opinion, political and social belonging”.

One of important directions of national politics of the government of Azerbaijan is the support for national languages and cultures of all national minority located in Azerbaijan. The Decree “About protection of rights and liberations, state support for development of languages and cultures of national minorities, not numerous nations and ethnic groups living in the Republic of Azerbaijan” was signed by the President of the Republic of Azerbaijan on September 16, 1992.

Culture centers, charity societies and other public organizations of all national minorities living in country are acting in the Republic of Azerbaijan.

All acting normative legal acts on education, science, culture, language, public health, political parties, public communities, labor and etc. encourage in implementation of human’s rights without any discrimination.

According to article 16 of Labor Code of the Republic of Azerbaijan, it is categorically banned to allow any discrimination between workers upon citizenship, sex, race, nationality, language, living place, age, marital status, property, religion principals, political opinion, belonging to trade unions or other public communities, official status, opinions, public social status, including other factors not connected to business characters, labor results, workers’ professional acquirements, determination of privileges and benefits, including rights bounding directly or indirectly on the basis of these factors.

The suitable penalty upon discrimination assumption is also deemed by Criminal Code of the Republic of Azerbaijan affected from September 01, 2000. Article 111 of Criminal Code of the Republic of Azerbaijan deems penalty upon discrimination assumption. In regard to article 111.0.1, the penalty upon discrimination is deemed in point of any race group or race groups, non-recognition of these race groups, killing of their members, injuring to their health or bodily injury, inhuman and illegal incarceration in prison, the penalty upon non-recognition of rights of living and liberations is deemed by form of incarceration in prison for a term from ten till fifteen years or life imprisonment.

Article 3 of the Law of the Republic of Azerbaijan “About education” dated on October 7, 1992 ensures citizens the rights and liberations independently of their race, national belonging, language, sex, age, health conditions, social and material status, activity sphere, living place, religion relations, political opinions, including occurrence of convictions.

As it stated in report, provisions of discrimination character in the Republic of Azerbaijan are not allowed neither in legislation, nor in collective agreements which are always based on constitution principal of equality of all citizens.

The state inspection of labor realizing state control upon legislation observance in labor, including questions on discrimination non-admission was organized according to the Decree of the President of the Republic of Azerbaijan dated on January 27, 1997.

The higher supervision on accurate and uniform execution of laws in the Republic of Azerbaijan is being implemented by the General Attorney and persons being at his disposal which also implement the higher supervision upon protection of political, labor, personal and property rights and interests of citizens, including rights on security from any type discrimination in labor, occupancy fields and field of choose of occupancy type.

According to the Decree mentioned above of the President of the Republic of Azerbaijan dated on September 16, 1992, in Decree to provision determined by Constitution of the Republic of Azerbaijan considering protection of political, economical, social, culture rights and liberations of representatives of national minorities, not numerous people and ethnic groups living on territory of the Republic of Azerbaijan and directly aid to their implementation, the Cabinet of the Republic of Azerbaijan, ministries and departments of the Republic of Azerbaijan, heads of local executive powers were bidden to closely examine in the frame of ministers and departments' activity the questions connected to national relations, tasks arising from the present Decree. According to professional preparation of representatives of national minorities, not numerous people and ethnic groups subject to their possessing of equality rights without any discrimination it was bidden to create comprehensively conditions for implementation of these rights, including prevention of any action or inactivity directed on their breach, increasing of attention for solving of these questions at examination of appeals during naturalization. It was also bidden to create conditions and, according to legislation of the Republic of Azerbaijan, to accept appropriate legal measures on providing of rights of all nationalities for organization and activity of their culture and religion enterprises, societies, and support arising from the legislation, including assigning of accommodation, material recourses and financing assets for such enterprises, societies and communities are to be considered expediently.

The appropriate penalty for discrimination admission is deemed by Criminal Code of the Republic of Azerbaijan affected from September 01, 2000. Article 111 of Criminal Code of the Republic of Azerbaijan deems penalty for discrimination admission. Penalty for discrimination is deemed in point of any race group or race groups, for non-recognition of that race groups, for killing of their members, injuring of their health or bodily injury, inhuman conversion or conversion abased denomination, arrest without permission or illegal incarceration in prison, non-recognition of life rights and liberations for duration from ten till fifteen years of incarceration in prison or life imprisonment.

Article 3 of the Law of the Republic of Azerbaijan "About education" dated on October 07, 1992 ensures citizens a right for education independently on their race, national belonging, language, sex, age, health conditions, social and marital status, sphere of activity, living place, relation in religion, political opinions, including being convicted. As it is stated in the report, provisions of discrimination character in the Republic of Azerbaijan are allowed neither in legislation, nor in collective agreements, which are always based on constitutional principals of equality of all citizens.

The State Inspection on Labor, providing the state control on legislation observance in labor, including questions on discrimination non-admission, was created

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The higher control on accurate and uniform execution of laws in the Republic of Azerbaijan is being provided by the General Attorney and persons who are in his disposal and who are also providing the higher control on protection of political, labor, personal and property right and interests of citizens, including rights for protection from any type of discrimination in labor, employment fields and choose of employment type.

According to the Decree mentioned above of the President of the Republic of Azerbaijan dated on September 16, 1992, the Cabinet of the Republic of Azerbaijan, ministries and departments of the Republic of Azerbaijan, heads of local executive powers were binned to consider tasks arising from this Decree comprehensively in the frame of activity of ministries and departments in order to protection of political, economical, social, culture rights and liberations of representatives of national minorities, not numerous people and ethnic groups, living on territory of the Republic of Azerbaijan, and directly aid for their realization, as it is determined by Constitution of the Republic of Azerbaijan. It was binned to create comprehensive conditions for implementation of such rights, including to prevent any action or inactivity directed to their breaches, to increase attention for resolving of such tasks at examining of appeals during citizenship admission according to professional preparation of representatives of national minorities, not numerous people and ethnic groups subject to their possessing of equality rights without any discrimination. It was also binned to create conditions and to admit the appropriate legal measures on providing of rights of all nationalities for organization and activity of their culture and religion opinions, societies, according to the legislation of the Republic of Azerbaijan, and the support arising from legislation for such enterprises, societies and communities, including allocation of accommodations, material recourses and financing assets are to be considered expediently.

Ministries of education and culture of the Republic of Azerbaijan were binned to prepare and realize measures on studying of language and literature of not numerous people on territory of their compact living place by program of secondary school, and in Baku and Sumgait – by facultative trainings.

With regard to reformation of Azerbaijan pedagogical institute of foreign languages into Azerbaijan state institute of languages, it was binned to open the department of philology of not numerous people and appropriate department here, and Branch of Cuba of Azerbaijan state university of arts named after M.A.Aliyev and Branch of Gusari of pedagogical college named after M.A.Sabir were binned to prepare staff for Turks of Dagestan, local population and not numerous people, and to prepare and present appropriate offer about preferential admission of persons living in mountain zones of republic, youth of not numerous people and customers living outside of republic to higher and secondary special education institutions, to assist to reservation of trades, artistic professions and amateur creative work, not numerous people's ancient trades, creation of libraries, collectives, artistic amateur, studio of national creative work and workshops in to their national culture centers, taking into account that there is no body of periodic press of republican mention upon national relations in order to elucidation of life and creative work, labor, inner world of all people, the state aid for spread of their languages and culture, to publish weekly republican newspaper of big size named "Elin sesi" under service of Consultant of the President of the Republic, the state broadcasting

company is binned to organize television and radio programs informing about literature, folklore, life and work of not numerous people and ethnic groups, living in the Republic of Azerbaijan, and to provide publishing of “Republican news” on Lezghin, Talish, Kurdish languages, daily translations by local broadcasting on languages of not numerous people, the heads of executive powers of Baku city, Sumgait, Lenkoran, Gusari, Zakatala, Gabala are binned to provide accommodations or service offices for work of national culture centers of Slavs, Jews, Lezghins, Talishes, Avars, Udins and other not numerous people and ethnic groups within duration of one month.

One of directions of Ombudsmen’s activity is providing of rights for equality along with providing of other rights and liberations deemed by Constitution. Ombudsmen examines appeals on breaches of human’s rights presented by citizens of the Republic of Azerbaijan, foreigners, persons not having citizenship and juridical persons according to article 8.1. of Constitutional Law “About Attorney for human’s rights (Ombudsmen) of the Republic of Azerbaijan”.

As far back as 2002 year Ombudsmen hold a line of meetings with participation of national minorities in regions of country. A line of measures were held at the places in order to legal education of population.

In July-August of 2003 the regional centers of Ombudsmen were created in Guba, Jalilabad and Sheki, where national minorities live compactly, in order to improvement of protection of citizens’ rights.

About 4500 appeals including appeals from representatives of national minorities were examined during year. The most part of appeals come from refugees and departed persons who became victim by the result of mass troubles of human’s rights due to the armed aggression of Armenia, ethnic cleaning and proscription from autochthonic living of more than million of our countrymen and many representatives of national minorities are between them.

The special department on rights restitution of refugees and departed persons was created in order to protection of rights of this attackable group of people living in difficult conditions and have met with oppressive actuality of refugees’ life in Apparatus of Ombudsmen. Today more than ten thousands persons of Armenian nationality that use their rights and liberation in full and are not being incurred to any discrimination are living in our country.

Non-admission of discrimination in point of different ethnic groups determined by Pact is provided on the level of legislative base; by means of participation of all levels of representatives of ethnic groups in executive structures; providing of education on native language; creation of conditions for activity of public organizations and NPO; support on safeguard of language and culture traditions. Books and newspapers are being published, radio- and telebroadcasting on languages of ethnic groups are existing. It is fourth time, when the Ministry of youth, sport and tourism is carrying out the Children festival of folklore music where more than 3 thousand children takes part in some scores of concert-shows yearly in order to safeguard of ethnos’ culture and traditions, upbringing of respect for traditions of all people living in Azerbaijan upon growing up generation. This festival is being carried out under motto – “Azerbaijan is our common home”.

For the last two years the attention to social-economical development of regions is noticeably increased. The Ministry of youth, sport and tourism is successively developing the potential of regions and, particularly, the potential of regions of compact residence of

ethnic groups, and this stimulates the providing of economical, social and culture rights, also.

14. What has done for improvement of society's infrastructure in order to its larger accessibility for persons having defects?

For the last years the noticeable modifications both in legislation and in society are occurring in point of people having limited possibilities.

According to the article 35 of the Law of the Republic of Azerbaijan "On child's rights", children-invalids and children having intellectual and physical defects use the right for medical, defect logical and physiological aid out of turn by the order determined by the body of executive power. The government assists to social and physiological rehabilitation of these children, helps them to get education appropriated to their possibilities, choose of profession, makes arrangements on prevention of children disablement.

For these purposes, the construction of the Children Rehabilitation Center for 42 beds is completed in the end of 2002 in Baku city. The center is being equipped with the most modern equipment in the frame of financing and technical aid provided by the government of Japan, and this allows to realize the complex programs in ambulatory and stationary conditions for integration of children into society, providing them medical, social and professional rehabilitation services. Yearly more than 1000 children-invalids will be able to use services of rehabilitation center which starts its function in 2003.

According to the article 36 of the Law mentioned above, the care duration upon child-invalid less than 16 ages is included in to experience time giving the right for pension. Benefits in the volume determined by the legislation of the Republic of Azerbaijan are being paid to the persons fulfilling care upon children-invalids.

On the basis of article 15 of the Law of the Republic of Azerbaijan "preventive measures against disablement, rehabilitation and social protection of invalids" dated on August 25, 1992, the government ensures to create the necessary conditions for education and professional preparation of invalids. The appropriate bodies of executive power provides pre-school and out-of school education of children-invalids, getting of the secondary special and higher education for invalids by education programs on the basis of decision of physiology medical pedagogy or medical social experts committee according to the order deemed by the legislation of the Republic of Azerbaijan. Education and professional preparation of invalids are being implemented in different forms including education at home and education by individual curriculums. The government ensures the preparation of pedagogical staff specially for education and professional preparation of invalids.

According to the article 16 of the Law mentioned above, conditions for development of special groups are being created by the appropriate bodies of executive power creates in order to create more favorable possibilities for upbringing of children-invalids of pre-school age and providing of rehabilitation aid for them in children pre-school institutions of the common type. The special children pre-school institutions are being organized for children-invalids who have intellectual and physical defects which excludes possibility of their upbringing in children preschool institutions of common type.

According to the article 17 of the present Law, the education of children-invalids not having possibility to study in schools of general education is being carried out at home by their will and their parents will. The appropriate bodies of executive power create comprehensive conditions for education at home of children-invalids. One of parents of a schoolboy-invalid being taught at home or the person deputy him is provided with material provision and preferences by the order determined by the legislation of the Republic of Azerbaijan. Care duration upon such invalid is taken into consideration in experience record. The appropriate educational institutions assist to parents in regard to education of children-invalids at home.

According to the article 18 of the Law mentioned above the education bodies, other state bodies are to create the necessary conditions for preschool education of children-invalids in order to comprehensive and harmonious development of children-invalids, their upbringing of common activity, their involving to labor, science, art and sport.

According to the article 19 of the present Law, the secondary, secondary special and higher education of invalids is being implemented at educational institutions of the common type, and at special educational institutions, if it is necessary. The specialized departments or departments of professional technical schools, colleges and institutes of higher educations are being organized for invalids in order to provide the special conditions of their education. Also, trainings are being organized for children-invalids passing through treatment course at stationary medical preventive or rehabilitation institutions. The talented children-invalids have a right for free trainings on music, arts, artistic applied arts at common educational institutions or special non-school educational institutions. The necessary conditions for entrance examination by invalids are being created. During education, the pension and scholarship are paid in full volume. Additional payment in volume of 50% of receiving scholarship is being paid to students-invalids of 1 and 2 degree. The payment of education of persons getting chargeable higher specialized secondary education, who became an invalid of 1 and 2 degree by the result of events in Baku on 19-20th January, 1990, and on protection of territorial integrity, independence and constitutional structure of Azerbaijan government, is being realized by the account of the government budget.

According to the article 20 of Law considered above, children-invalids permanently standing at stationary institutions are provided regularity of upbringing and education by these institutions in organic connection with social common and labor adaptation.

According to the article 2 of the Law mentioned above, invalids' professional preparation and professional development are provided in accordance with the individual program on rehabilitation and the state program on rehabilitation of invalids at educational institutions, including training centers of the public employment service, enterprises and organizations (of specialized or common type) together with institutions providing social aid to invalids and their public organizations. The public employment program ensures services on professional orientation for invalids able to work in order to determine their professional availability, possibilities of education of new profession and employment. The blind children and children having bad vision are provided with textbooks imprinted by bray system of letter, sounding books, subject aids, special tape recorders, magnifiers, walking sticks, deaf persons – are provided by hearing apparatus

and other means of typhlo- deaf-and-dumb technique, the special schools and record studios are created, and special libraries are organized for them. Material providing of invalids is being realized during professional preparation and professional development by the order and on conditions determined by the legislation of the Republic of Azerbaijan.

According to the Law of the Republic of Azerbaijan “About education (special education) of persons having limited possibilities of health conditions”, the subject of the special education is providing of their adaptation for society and creation of necessary self-service skills, preparation for labor and family life by the way of teaching of necessary skills, abilities and know-how for the persons having limited possibilities of health conditions.

The education of the persons having limited possibilities of health conditions and not having possibility to get education is provided at home by the appropriate educational institutions. The list of diseases giving the right for education at educational institutions and the rules providing education at home are determined by the Cabinet of the Republic of Azerbaijan.

In case, when the persons having limited possibilities of health conditions are on long-period stationary treatment (more than 21 day), education is provided according to their common training program on the basis of decision of medical pedagogy committee of the Ministry of education. The rules providing education on stationary conditions are determined by the Cabinet of the Republic of Azerbaijan.

Admission of the person having limited possibilities of health conditions at institutions of general education are being realized by the order determined by the legislation according to the decision of physiology medical pedagogy committee or medical social expert committee.

If children-invalids’ physical defects are not difficulty for arts employs, they have equality rights on getting education at educational institutions. There is the Children musical school for blind children in Baku. Children-invalids can freely take lessons at club institutions and use services of libraries.

The ministry of youth, sport and tourism organizes summer rest for group of children having syndrome of Daun, autism and etc. and for their parents yearly from 2001 in the order of support for families having children-invalids. During last years various shows, competitions are carried out in order to realize social integration of children-invalids. Competitions of picture, applied mastership became traditions. Two centers of social rehabilitation are created by the support of SOROS Fund. At the present time a work on creation of their branches in cities and regions of the Republic are being carried out.

Due to the non-government organization “Goncha”, the children theatre of puppet show “Neposedi” began to act with participation of children having intellectual deflections – syndrome of Daun, autism, epilepsy and etc. This theatre is actively taking part in many children parties, appears for children from hostels, in kindergarten, schools. The theatre played in Austria, where his activity and results of work were demonstrated by local broadcasting channels.

Social support for the invalids and if possible their careful integration in society is considered to be the main factors in social politics. The government will continue equipping transport with necessary devices and other public places for the normal activity

of the invalids. It has also been considered to build sports-health centers for the invalids. Admitting the service support as the main concern, rehabilitation services and centers will be developed.

Schools for the children with limited health abilities
(for the beginning of the academic year)

	The number of schools		Studying persons			
	1996	2001	2002	1996	2001	2002
The number of schools	20	20	19	3595	4789	5060
including children: mentally retarded	9	9	9	1610	2085	2288
blind	1	1	1	182	256	262
deaf	2	2	2	455	616	643
with bad-hearing and late-deafness	1	1	1	185	182	183
with skeleton disorder	1	1	1	137	222	231
with speech faults	3	3	2	364	508	472
Others	3	3	3	662	920	981
Besides, classes for children with limited health abilities organized within secondary schools	-	-	-	734	564	555

The number of the invalids getting an education in state and non-state special secondary and higher institutions

(for the beginning of the academic year)

	1996	2001	2002
The number of students in special secondary institutions-totally, person	31405	49203	51410
including the invalids	5	20	11
The number of students in higher educational institutions-totally, person	82405	120453	120039
including the invalids	92	52	71

The interests of this group of people are getting more and more to be taken into account in city planning (in the streets, parks, concert halls, and exhibitions). Resolution of everyday problems of this category of people is supported by NGO, the number of which is increasing in the country (at present more than ten). Mass media play a positive role in this matter, casting light on different approaches and views of society to the problem. Owing to the totality of these actions the attitude of society changes towards these people's abilities and also towards defining their place in society. It should be mentioned that all possible centers of social rehabilitation for the people needing special care are created not only in the capital, but also in other cities and regions of the country. Governmental and non-governmental organizations realize different projects directed at protecting rights of the people with poor health, actively involving them in social and cultural activity. As a rule, these actions include arranging discussions, training for those working with this category of people, organizing cultural and leisure programs and also supporting activities of rehabilitation centers.

Only in 2003 the Ministry of Youth, Sports and Tourism fulfilled 6 actions in this direction: exhibitions of works by the children with health problems, studying the conditions of the children living and working in the streets; summer camping shift for the children mentally retarded and physically handicapped, round table discussions in the presence of governmental and non-governmental organizations, a new year holiday. The Ministry arranges rest of about 1200 refugee children, IDPs, orphans, the invalids, the children under the charge of the government in order to provide rest and social progress of children, overcome economic and social inequality.

At the same time the questions concerning employment of this category of people expect resolution, there is still a lack of centers of social support, there are not professional social employees. The government needs more active support of international organizations in the resolution of these questions.

The Ombudsman pays more attention to vulnerable groups –women, children, the old, refugees and IDPs, invalids and also to the protection of rights and freedom of poor families. Enlightenment work has been carried out in the residences of these people.

The Ombudsman's apparatus closely collaborates with the resource centre of the old which is organized on the public basis and whose activity is directed to improve health, standard of living and protection of the rights of the old.

The Ombudsman regularly visits the houses for the old and invalids including the house for the old in Bilgah, the treatment centre for the old in Mardakan, the house of labour and rest for the young invalids in Ramanah, the treatment centre for the war invalids in Shaganah where he gets acquainted with their living condition, their needs and problems and consequently solves them with the competent state structures.

The Ombudsman also attaches a greater importance to the rights of children and in connection with it a number of steps have been taken to enlighten the children rightly including the children living in the cities, villages of the country and in the refugee camps. The invalid children, if their physical handicapness doesn't hinder them from being engaged in art, have an equal right to get an education in the educational institutions of the system of the Ministry of Culture of The Republic of Azerbaijan. The music school of children functions for the blind children in Baku. The invalid children can freely work in clubs, use the libraries.

The employees of the Ministry of Culture and connected organizations carry out highly organized work with the children deprived of family guardianship, with the invalid children and with the children from refugee families. Free performances, concerts are organized for these children, charity actions are carried out.

Azerbaijan State Theatre of Musical Comedy and also thoroughly repaired Azerbaijan State Philharmonic are equipped with special devices for the visitors in wheelchairs.

Modernization of the Republic Libraries in the balance of the Ministry of Culture for the blind has been included in the Governmental Program of Poverty and Economic Development.

Corresponding actions are carried out for the people in need especially for the invalids in order to improve the infrastructure with respect to them. The invalids are given free means of rehabilitation – cars, wheelchairs, artificial orthopedic appliance, hearing appliance and so on from the state budget.

Rehabilitating treatment of the invalids is done freely. Prosthetic orthopedic service is accomplished by Baku Prosthetic-orthopedic rehabilitation centre. In connection with the manufacturing branch dealing with prosthetic-orthopedic materials, crutches and sticks, in-patient services are provided for the invalids by the treatment centre meant for 60 berths where services are offered for 8 thousand invalids a year.

Among the actions in the sphere of rehabilitation of the invalids building of a branch of the Prosthetic-Orthopedic Rehabilitation Centre in Ganja and enlargement of the Prosthetic-Orthopedic workshop in Nakhchivan should be mentioned by means of International Red Cross.

In 2003 by direct assistance of the Japanese government, the development programs of UNO and European Commission the Treatment boarding house consisting of 250 berths in the settlement of Shagan and the first specialized children's rehabilitation centre in Baku became available for use. Work in this direction is proceeding and in 2004 two more rehabilitation centres will be open to exploitation in Nakhchivan and Ali-Bayramli. At the request of the Ministry of labour and social protection of the population of The Republic of Azerbaijan "Methodical instructions on the use of technical devices and architecturally planning decisions on the rehabilitation of the invalids for creating corresponding conditions for the invalids' activity including everyday life, transport and public places" was compiled and confirmed by the State Committee of Building and Architecture of The Republic of Azerbaijan.

For the purpose of improving housing and living condition of the invalids and the members of the martyr families about 720 families have been provided with apartments from the beginning of 1997 at the government's expense.

Traditional competitions are annually held for revealing the most talented invalids in various spheres of culture, art and sports whose goal is to entirely encourage and support them in their further development of creative abilities. Azerbaijan is one of the active participators of the Para Olympic and Special Olympic Movement.

Article 3: Equality between men and women.

15. Please, point to the measures which were taken by the government for eradicating all forms of discrimination against women in consequence of the attitude towards culture which still exists in society focused on positions of making political decisions and administrative responsibility in institutions and companies. Please, provide detailed statistical data to let the Committee evaluate the general situation between men and women in Azerbaijan.

According to units 2 and 3 of article 25 of the Constitution of The Republic of Azerbaijan since November 12, 1995, men and women have equal rights and freedom.

The government guarantees equality of rights and freedom of everybody regardless of race, nationality, religion, language, gender, origin, property state, conviction, membership of political parties and other social unions. It is prohibited to limit a person's rights and freedom because of his race, nationality, religion, language, sex, origin, conviction, political and social membership.

Criminal responsibility is supposed for violating equality of a person, regardless of his race, nationality, his attitude to religion, language, sex, origin, property state and rank, conviction, membership of political parties and other social organizations, causing harm to rights and legal interests of persons by article 154 of Criminal code of The Republic of Azerbaijan since December 30, 1999 - he is either fined the sum from a hundred to five hundred of conditional financial figure or correctional work in prison for a term of a year.

Within the framework of judicial-law reforms in the country elections of judges were held and according to the recent statistical data 14% of judges are women in The Republic of Azerbaijan.

Besides, we would like to mention that 13 women are deputies in the Parliament of The Republic of Azerbaijan. The Chairman of the State Agency on Standardization, Metrology and Patent of the State Commission on admission of students are also women. About 50 non-governmental women organizations function in the country at the moment, whose activity is directed at protecting rights of women and also offering practical assistance in the development of woman enterprise. Under the conditions of market economy opening of work places for women, protecting families, health of women and

children involving women in social-political life , providing help to refugees ,asylums, the invalids, and martyr families of the Garabakh War.

Nowadays new women organizations are being created and the existing organizations extend their sphere of activity.

No discrimination is allowed on the ground of race, gender, language, religion, political and other convictions, national and ethnic or social origin, property state while being admitted to work.

For instance, women make up about 70% of employees in the system of the Ministry of Culture. A business agreement is made with women, regardless of being pregnant or having a child till 3 years old. The women working at the Ministry of Culture enjoy all the privileges offered by the Labor Code of The Republic of Azerbaijan. A great attention is paid to promotion of women to responsible posts. One of the assistants of the Minister of Culture ,the vice assistant of the apparatus ,the head of 4 departments out of 12 of the apparatus of the Ministry of culture are women, 4 women work as a chief of the management department and three women manage sectors.

Women also successfully manage the sections of culture in the regions. The culture administration of Ganja, the culture sections in Agsu, Balakan, Bilasuvar, Ismayilli, Masalli, Oguz, Siyasan, Goychay,Gedabeh are headed by women.

Women hold responsible positions in the libraries and museums of the Republic. The directors of Azerbaijan State Library after M.F.Akhundov, Republican children's library after F.Kocharli, Republican library for the blind, Republican library collector,31 centralized library systems, the publishing house "Maarif" are directed by women.

Central museums of the Republic are also managed by women. Azerbaijan State Museum of musical culture, Azerbaijan State Carpet and Applied Art Museum, Azerbaijan State Museum of theatre, Azerbaijan Museum of independence, Azerbaijan State Museum of history of religion, administrative- economic building of "Museum Center", one of the most valuable monuments of history and culture of Azerbaijan , Republican historic-architectural museum-reserve "The Complex of the Palace of the Shirvanshahs", scientific-restorative center of museum valuables and relics, a great number of historical country-studying museums and most of house-museums of outstanding figures of history and culture of the country function under women's management.

Women successfully fulfill their duties as directors of creative collections of the Republic, the State ensemble of dance, the State chorus, the ballet company of the State academic theatre of opera and ballet, the State Children's Philharmonic, Kazakh State dramatic theatre.

Azerbaijani women successfully demonstrate their high standards of professionalism in different fields. The head chairmaster of Azerbaijan State Academic theatre of opera and ballet, the chief director of the Palace "Respublika", the chief painter of Azerbaijan State puppet theatre,the manager of the State Chorus, the chief director of Shusha State musical dramatic theatre, the vice-director of Azerbaijan State theatre for young audience, the vice-manager of Agdam State musical dramatic theatre, the vice-manager of Azerbaijan State Iravan dramatic theatre are women.

The managers of several picture galleries of the Republic are also women. Women successfully manage educational establishments of the Ministry of Culture: the manager of the Republic courses of preparations and development of qualifications of employees of culture, the manager, the vice-managers and artistic conductor of Baku choreographic

school are women.11 musical schools and the schools of art out of 38 are headed by women in Baku. Women function as directors of 34 musical schools and the schools of art in the regions of the Republic.

	1996	2001	2002
The number of permanent preschool institutions (for the beginning of the year)-totally	1918	1794	1784
The number of children in preschool institutions totally, thousand	125,7	111,4	111,5
out of them:			
boys	70	57	57
girls	56	54	54
Occupation of children from 1 to 5 years old by preschool institutions-totally, in per cents	15	18	19
out of them:			
boys	15	17	19
girls	13	17	20
The number of daily secondary schools (for the beginning of the year)-totally	4474	4358	4542
The number of students in daily secondary schools-totally, thousand	1526	1659	1692
out of them:			
boys	765	857	879
girls	761	802	813
The number of evening secondary schools-totally, thousand	12	13	13
The number of students in evening secondary schools	28	28	17
out of them:			
boys	...	16	9
girls	...	12	8
The number of professional colleges and lyceums	119	109	109
The number of students in professional colleges and lyceums- totality, thousand	25	22	21
out of them:			
boys	...	15	14
girls	...	7	7
The number of special secondary educational institutions (for the beginning of the academic year)-totally	90	69	58
The number of students in special secondary educational institutions-totally, thousand	35	49	51
out of them:			
boys	12	14	15
girls	23	35	36

Among the hired employees engaged in the country's economy, a particular weight of women in the division of economic activity (in per cents)

	1996	2001	2002
The number of doctors of all specialties, thousand people	29,2	29,1	29,5
out of them: men	12,7	11,7	11,6
women	16,5	17,4	17,9
The number of average medical personnel, thousand people	65,7	59,9	59,1
out of them: men	...	6,7	7,2
women	...	53,2	51,9

	2001	2002
Totally	45,8	45,7
Including:	19,6	20,0
Agriculture , hunting and forestry		
Fishing	15,3	18,1
Mining industry and exploitation of quarry	23,8	22,6
Processing industry	37,0	35,1
Electrical energy, gas and water supply	22,0	20,4
Building	9,2	9,0
Retail and wholesale, repair of vehicles and motorcycles, everyday goods and objects of personal use	20,8	24,5
Hotels and restaurants	36,3	37,1
Transport, warehouse economy and communication	24,2	23,2
Financial and mediating activity	21,0	32,6
Operations with immovable property, rent and commercial activity	44,3	46,3
State management and defense; obligatory social insurance	30,2	30,9
Education	69,6	69,5
Health and social services	75,2	75,8
Other communal, social and personnel services	58,3	60,7

II. THE QUESTIONS CONCERNING DEFINITE STATUS OF THE PACT (ARTICLES 6-15)

16. Please, point to the effective measures taken by the government - participator for reducing unemployment level among women, young people, internally displaced persons and refugees. How is monitoring of percentage of work places for the unemployed from the most vulnerable families carried out?

In accordance with the status of the law on employment since July 2, 2001 local executive branch defines quotas for the citizens mentioned in the following paragraph in fixed order.

The government provides an extra guarantee to the categories of citizens having a special need of social protection and experiencing difficulty in finding a job (boys and girls under 20, single parents and parents having many children, women looking after invalid children, persons having less than 2 years till retirement age, citizens released from prisons, the invalids, IDPs, war veterans, martyr families.) by means of opening extra work places and specialized enterprises, organizations (including enterprises and organizations for the invalids' functioning) educational organizations on special programs and taking other measures.

The size of a quota is defined depending on condition in the territorial labor market, but not higher than 5% of average number of employees in enterprises.

The order of imposing a quota on citizens having a special need of social protection and experiencing difficulty in finding a job, a list of enterprises which don't spread

quotas, are fixed by the Cabinet of Ministers of The Republic of Azerbaijan. Employers have to introduce the Ministry of Labor and Social Protection of the population of The Republic of Azerbaijan monthly accounts about people engaged in the direction of this organ, about people accepted to work on a quota and about dismissed from work people

Privileges are considered by the established legislation for the employers providing with work people having a special need of social protection besides a quota.

The employers refusing to admit the invalids and other persons having a special need of social protection, directed by the Ministry of Labor and Social Protection of the population of The Republic of Azerbaijan and its local organs to the work places fixed for them by a quota have to present the means on a scale of the sum of an average salary in the Republic to the state fund of social protection.

For the purpose of effective protection of the rights of refugees, IDPs, their problems have been studied and suggestions have been sent to the state Committee on the affairs of refugees and IDPs and also to the local organs of the executive branch:

- promising actions worked out and realized for the purpose of supplying with work refugees and IDPs in their settled places and creating conditions for their occupation with enterprise including agriculture.

- recommendations to employers about involvement of able – bodied refugees and IDPs in work

- about the eviction of refugees and IDPs from the apartments they have occupied, having violated other people's rights.

- The Ombudsman put forward a suggestion about freeing refugees and IDPs from payment fees in state higher and secondary educational institutions and these suggestions were taken into account while releasing them from payment fees in the mentioned educational institutions.

The following measures are being taken by the services of employment of The Republic of Azerbaijan with the aim of reducing the level of unemployment among women, the youth, IDPs and refugees and for strengthening their social protection.

- assistance in finding workplaces
- the courses of professional training
- increasing qualification
- involvement in paid social work
- appointing aid for unemployment
- arranging work on proforientation and psychological support
- providing temporary occupation through labor exchange in the services of employment.
- appointing quotas for certain groups of the population

The following results were achieved after the realization of these measures in 2003.

	The employed	Out of them on the quota	Courses of prof. training	Paid jobs	Aid for unemployment
Women	7343	631	1155	396	3043
The youth	10927	339	1769	868	2402
IDPs, refugees	1407	261	432	362	949

Monitoring of quotas of work places for the unemployees from the most vulnerable groups of the population is arranged on the basis of article 9 “Extra guarantees of employment of citizens having a special need of social protection” of the Law «On employment» of The Republic of Azerbaijan. In accordance with the mentioned article the government presents extra guarantee by means of opening work places and specialized enterprises, organizations (including enterprises and organizations for the invalids’ functioning) educational organizations on special programs, taking other steps to the categories of people (boys and girls under 20, single parents and parents having many children, women looking after invalid children, persons having less than 2 years till retirement age, citizens released from prisons, the invalids, IDPs, war veterans, martyr families.)

The corresponding organs of the executive branch appoint quotas for the citizens mentioned in the article of the Law On enterprises, institutions and organizations in fixed order. The number of quotas is fixed on the terms exceeding not more than 5% of average number of employees on the list in enterprises in the territorial labor market depending on the state. The order of applying quotas for the citizens having 1 and the list of the enterprise that don’t spread quotas for the citizens having 1 and the list of the enterprises that don’t spread quotas are established by the Cabinet of Ministries of The Republic of Azerbaijan by the corresponding organs of the executive branch the organs of local executive branch are meant.

17. Please, point out whether the attended legislation is fulfilled providing financial support to employers who open work places in the different regions of the country and if yes, please include the data about the programs.

141 enterprises have been established where more than 2000 persons are employed in all the regions especially in the border regions of the Republic within the service organs for the purpose of providing social protection to unemployed population including refugees and IDPs beginning from 1997.

By the corresponding decree of the President and the decision of the Cabinet of Ministers the means determined within the framework of financing the mayors on employment for opening new work places were passed to the National Fund of assistance in enterprise of The Republic of Azerbaijan in November, 2002.

18. Is the law applied on employment of the persons under the jurisdiction of The Republic of Azerbaijan who don’t have azerbaijani citizenship?

As shown in article 1.0.1 of the Law «On employment» by employment any activity of The Republic of Azerbaijan’s citizen, the persons temporary settled in The Republic of Azerbaijan without citizenship and of foreigners (later on - citizens) is meant,

if it doesn't contradict the legislation of The Republic of Azerbaijan and as a rule, earns them money.

19. Please provide information about the measures taken by the government – participator in the struggle against child exploitation, please, point out whether the government-participator is going to ratify the convention İLO №182.

The Convention İLO №182 “On prohibition of the worst forms of exploitation of child labor” was ratified in December, 2003 by the Parliament of the country.

In accordance with article 17 of the Constitution of The Republic of Azerbaijan as the basic cell of society family is kept under the guardianship of the Republic. It is parents' duty to take care of children and their up bringing. The government controls the execution of the duty.

On the basis of the law of The Republic of Azerbaijan “On Children's rights” those under 18 years old are children and the rights and responsibilities shown in . the law are applied to all under 18. Children's rights in the sphere of labor and labor relations are regulated by labor code. The section of the code “Peculiarities of using the labor of employees younger than 18” contains a position concerning the labor of the youth, low norms and privileges directed at creation of favorable conditions for growing generations. Article 42 of labor code sets a minimum age for admission to work – 15 years old introducing an important guarantee of protection of health of growing generation and getting secondary education. Admission of the children of 14 years old is allowed in the period of industrial practice and also to light work which doesn't harm their health by their parents' agreement. In accordance with article 46 of labor code while signing contract with the persons from 15 to 18 years old the agreement of one of the parents is required.

It is prohibited to fix a testing time for those younger than 18. They can't be dismissed on the decision of appealing commission because of the lack of professionalism, education and qualification.

In accordance with article 91 of Labor Code shortened work week lasting 24 hours for those under 16 and 39 hours for those from 16 to 18 is fixed. However, in order not to reduce the salary, the pay of their labor is appointed as on a scale of the employees of the corresponding category with a full work week.

In accordance with article 250 of labor code it is prohibited to use labor of those under 18 in hard work, in places with harmful and dangerous condition, and also in underground places. It is prohibited to involve those under 18 in lifting and carrying heavy things exceeding limits.

In accordance with article 254 of Labor Code it is prohibited to involve the employees under 18 in night and extra work and also in work on days-off. The time from 08 p.m till 07 a.m is considering a night time for the employees under 18.

The list of industry with harmful and hard condition of work, professions and also underground work where the use of labour of the employees under 18 years old is confirmed by the Cabinet of Ministers of The Republic of Azerbaijan.

In accordance with article 252 of Labour Code all those under 18 must be admitted to work only after medical examination and later on till reaching 18 they must be annually examined.

In accordance with this article of the Law of The Republic of Azerbaijan “About Children’s rights” the government by using social ,lawful, economic, medical and educational means provides the children with protection from all kinds of exploitation, hard, harmful, dangerous labour and influence.

The legislation keeps control over meeting the requirements of Labor Code and responsibility for its violation. In accordance with article 310 of the mentioned Code the employees and the employers and also other physical persons carry material, disciplinary, administrative and criminal responsibility for violation of rights, established by the Code and other normative-law acts, included in the system of labour legislation.

Being the member of the International Labor Organization (ILO), the Republic of Azerbaijan has adhered to Convention 53 of ILO, including Convention on minimal age in employment (No. 138) and Convention on Liquidation of Forced labor (No. 105.)

While reforming labor legislation, all dispositions of ILO Conventions which has been adopted by the Republic of Azerbaijan were completely taken into account.

In accordance with Article 1 of the Labor Code, international agreements related to labor, social and economic issues, which the Republic of Azerbaijan has adhered to, are a part of the labor legislation of the Republic of Azerbaijan.

The Government of the Republic of Azerbaijan submits regularly the reports on application of ILO Conventions, which have been accepted by the Republic of Azerbaijan, to the International Labor Organization (ILO).

It is also necessary to point out that there are gaps in normative and legal basis and lack of reliable mechanisms of control over children labor. In accordance with official statistics, there are no more than 200 employed citizens in our country aged below 18. But their real number is obviously higher. It needs to be indicated that lack of data impedes preparation of thorough analysis of the problem.

Nowadays, the Ministry of Youth, Sport and Tourism in collaboration with UNICEF is preparing a research to study real qualitative and quantitative indices in order to elaborate proposals to be submitted to the Parliament,as well as other governmental documents (programs). Besides, in order to form a public opinion, this issue will be comprehensively debated in mass media. The aim of such discussion is to form a negative public attitude towards those employers (as well as parents) who allow the use of child labor.

20. Please indicate progress made in program of a member country for regional development, in particular for access to employment in rural areas.

The State Program on Regional Development is implemented on the basis of Article 18.1 of the Law “On Employment” of the Republic of Azerbaijan. In accordance with that Article, measures related to social protection of job seekers and unemployed citizens are financed through the compulsory payments to the public agencies of social insurance.

The State Program is annually approved by the relevant public institution of the executive power.

The State Program “On Measures to speed up the social and economic development in the Republic of Azerbaijan” was approved by the Decree of the President of the Republic of Azerbaijan signed on November 24 , 2003.

Article 7: Right to favorable and fair working conditions

21. Please provide detailed information on how was the minimal wage established and whether the level of minimal wage ensures the necessary living level for employees and their families.

Minimal salary is determined by a Decree of the President of the Republic of Azerbaijan on the basis of financial and economic analysis of the country development taking into consideration the possibilities of its implementation in budgetary fields as well as by other employers.

The minimal salary in the Republic is increased by more than 1.6 times from September 1, 2003 in conformity with the Decree of the President of the Republic of Azerbaijan dated 4 August 2003. So, its volume is equal to 45.000 AZM and will increase up to 60000 AZM from January 1, 2004.

Control over observance of minimal salary is ensured by the State Labor Inspection under the Ministry of Labor and Social Protection of Population.

The level of minimal salary in the Republic does not still ensures the necessary life level of employees. In order to bridge this gap, it is envisaged to increase the volume of minimal salary step by step.

Aiming at implementation of Item 8 of the Decree of the President of the Republic of Azerbaijan on application of the State Law of Republic of Azerbaijan “On State budget of the the Republic of Azerbaijan for 2003” concerning step-by-step increase of minimal salary to attain the minimal living level, proposals of the working group created within the Ministry for Economic Development were presented to the Cabinet of Ministers to adopt an appropriate State Program which would envisage an increase of minimal salary up to the poverty level being 120.000 AZM during the first phase (2004-2006) and subsequently, the level of 60% of the average salary in country during second phase (2007 - 2010). Further steps will be undertaken in accordance with legal and normative basis of living standards being under elaboration now.

22. Report includes a table which indicates average monthly salary and minimal salary in 2002. What are the relevant indicators for the beginning of 2004?

Average monthly salary in the Republic was 315.4 thous. AZM in 2002 (USD 64).

In accordance with the preliminary data, the same indicator was 383 thous. AZM in 2003 (USD 77), and it equals to 415 thous. AZM for the beginning of 2004 (USD 84).

The balance between minimal and average salary was 8.7% in 2002 (27.5 : 315.4), 8.7% in 2003 (33.3 : 383.0) and 14.5% for the beginning of 2004 (60 : 415).

As it was already reported, the minimal salary in the Republic for January 1, 2004 equals 60 thous. AZM (USD 12) per month.

23. Please indicate in what extent are the Articles 238 and 239 of the Code of Labor sufficient in ensuring safe working conditions for employees, as well as compensation in cases of damage.

In accordance with Articles 7 and 191 of the Code of Labor, more comprehensive additional labor conditions can be ensured in collective contracts (agreements), as well as in working contracts in comparison with labor legislation, which will be encompassing labor, social, economic, material and other aspects. Material and other kind of damage made to an employee as a result of use of such working conditions shall be completely compensated by an employer.

Taking into consideration the obligations of employer and employee and its fulfillment in the process of working contract and if one of them makes damage to another, they assume mutual material responsibility, as it is defined in the mentioned Code and other relevant legal and normative acts.

In all three cases mentioned below, there is the material responsibility for a damage made intentionally and unintentionally by one party against another: if there is a real damage; if actions of culpable side, its action or inactivity are infringing law; if there is a link between actions of culpable, which are in contradiction with law and results of those actions.

Necessary set of measures are envisaged by the legislation of the Republic of Azerbaijan, ensuring the safety of working conditions for employees. The State control over observance of legislation in enterprises, institutions and organizations irrespective of property form and subordination is enforced as follows:

- The State Labor Inspection under the Ministry of Labor and Social Protection of Population, which enforces the State control over observance of labor laws within its competencies at the basis of legal acts. It is vested with right to give instructions, warnings and take decisions if legislative and legal-normative acts are violated as well as impose fines culpable persons. It can even stop working activities in enterprises till undertaking necessary measures, as well as fulfillment of various types of works and production activities, which do not meet safety requirements.
- The State Sanitary Epidemiologic Inspection, which surveys the observance of sanitary and epidemiologic norms and rules.

- The State Committee for Inspection in Mountains and Safety Performance of works in industrial fields (Gosgortekhnadzor).

The supreme control over observance of labor laws at the territory of the Republic of Azerbaijan is enforced by the General Prosecutor of the Republic of Azerbaijan and prosecutors' offices of various instances under his office. In case of necessity, prosecutor offices can institute legal proceedings in a court and intervene into affair at any instance if the protection of employee's interests requires so.

Dispositions of Article 239 of the Labor Code are ensured by the Decree of the Cabinet of Ministers of the Republic of Azerbaijan dated 9 January 2003 no 3 "On Approval of rules, conditions and amount of compensation to employees who got their health damaged in the result of accident or professional disease or to the members of employees' family who lost their lives for the same reason", as well as the Civil Code of the Republic of Azerbaijan. Item 1.1. of the Rules envisages the full material responsibility of an employer for any health damage in the result of accident in industrial processes if this case of accident is being under investigation. If so, it is defined to grant monthly allowances to an employee in conformity with percentage of his/her lose of capacity for work. If an employee lost his/her life in the industry, the persons under his/her tutelage and having right to get compensated for any damage occurred, are paid 100% of average monthly wage that was being received by a tutor prior to his/her death. It is also provided to compensate additional costs related to health losing, including medical services fees, additional nutrition, drugs purchase, prosthesis, fees of patient care, purchase of special transportation equipment, as well as expenditures made in acquiring another profession. Item 3.5 of the mentioned Decree determines the indexing proceedings of industrial accident allowances by enterprises in the result of increase of minimal wage or mass increase of wages in the culpable enterprise.

In many cases, there are problems arising with enterprises which are in insolvency or being liquidated if they are due to grant those allowances.

The State is undertaking the appropriate measures trying to solve this problem. In accordance with Item 3.8. of the mentioned Decree, if the liquidated culpable kolkhozes or sovkhoses do not dispose any assignee, damage compensation to victims or persons vested with right to get compensated for any damage, is made by the means of the State Fund of the Social Protection of the Republic of Azerbaijan.

The Decree of the President of the Republic of Azerbaijan "On measures for debts regulation of social payments in privatized or public enterprises given to a private management" was signed on September 26, 2003. The present document has determined the rules of payback for those debts. The Decree of the Cabinet of Ministers mentioned above envisages also debts payback for compensation of employees who lost their health in the result of accident or professional disease or to the members of his/her family, who lost their lives for the same reason.

24. Please provide an information on judicial precedents concerning Article 240 of the Labor Code, which gives opportunity to pregnant women or those with children under 3 years to conclude a working contract.

During 2000-2003 no suit was brought to a court in connection with violation of Article 240 of the Labor Code of the Republic of Azerbaijan.

25. Please provide information on prohibition of sexual harassment in working sites and its reflection in the current legislation.

In accordance with Article 17 of the Labor Code, it is prohibited to force any employee to fulfill functions (extend services) out of his/her working mandate by using force in any form and by any means, as well as to menace by ending all working relationship.

Article 151 of the Criminal Code envisages criminal responsibility for trying to force any person to have sexual intercourse, the same-sex relationship or perform any actions of sexual content by menacing of destroying, damaging or seizing of property, or using material or any other kind of dependence of a victim.

The Criminal Code of the Republic of Azerbaijan envisages penalty for any violence acts of sexual character. Persons culpable in such acts are being prosecuted by Articles 15-153 of the Criminal Code depending of crime content. Those can be fined or deprived of freedom for some period of time.

Taking into consideration the ratification of the European Social Charter by the Republic of Azerbaijan, the Ministry of Labor and Social Protection of Population prepared draft law on making amendments to the Labor Code, in particular to Article 31 of “the Content of Collective Treaty”: “to support informational and educational works concerning sexual harassment in working sites or a work related to its prevention and realization of all urgent measures to restrain an employee of such attitude.”

Article 8: Trade unions rights

26. The notion of necessary works for which the strikes are limited is too large. Please indicate how these limitations were used in recent times and does a member country have any intention to decrease the number of such limitations.

The fields of works for which any strike is limited are presented as follows: - hospitals, agencies responsible for water supplies or electric energy, phone communications, air and railways transportations, firefighting services. Those are works which are extremely important for the safety and health of people.

Any kind of collective or working argument cases in the fields mentioned above were not registered officially. Any proposals on decreasing the number of limitations as well as during the conclusion of the General collective agreement by the Trade Unions

Confederation and the Confederation of Entrepreneurs' Organizations were not initiated so far. For this reason, any issue of decreasing limitations is not under consideration.

Article 9: Right for social safety

27. Please indicate whether member country has intention to increase social benefits, in particular pensions for elderly people as well as persons suffered from Chernobyl tragedy or “civilians suffered in zone of military operations” in order to make those people mentioned above attain the appropriate level of life.

In accordance with the Decree of the President of the Republic of Azerbaijan dated August 4, 2003, it has been decided to increase the minimall amount of pensions and allowances for retired pensioners from 70 thousands AZM up to 100 thousands AZM (the allowances of III group invalids are brought up from 23.6 thousands AZM to 65 thousands AZM). It has been also agreed to increase the minimal amount of pensions and social benefits for pensioners in the following way:

- 1st group invalids and disabled children under 16 – from 68 thousands AZM to 100 thousands Azerbaijani manats;
- 2nd group invalids that are receiving age pension and who lost their tutor – from 66 thousands Azerbaijani manats to 90 thousands AZM;
- 3rd group invalids – from 50 thousands AZM to 65 thousands AZM.

In accordance with Article 89 of the Law of the Republic of Azerbaijan “On pensions for citizens”, the Cabinet of Ministers of the Republic of Azerbaijan was assigned to adopt a Decree on increase of the amount of average monthly wage taking into consideration the increase in pensions from 60 thousands AZM up to 85 thousands AZM.

In conformity with the Decree of the Cabinet of Ministers of the Republic of Azerbaijan on approval of the amount of average monthly salary in the Republic, taking into consideration increased pensions dated August 21, 2003, it has been also decided to determine and approve the amount of average monthly salary taking into consideration pensions for refugees and internally displaced persons that are not able to present any document on salary in the economic fields that they have been working in.

It needs to be mentioned that the Presidential Decree dated 24 November 2003 has assigned to the Cabinet of Ministers and other public agencies to prepare a new draft law on pensions for citizens in the next two months in order to improve pensions services for population.

The State is annually reviewing issues related to increase of pensions and other social benefits in the frameworks of the approved budget. Last five years (1998 - 2003) were marked by more than 5.5 times increase of the minimal pensions for retired pensioners and 2.2 times increase of average pension for all pensioners.

The last years approved State budgets are socially oriented. For this reason, the Republic of Azerbaijan has intention to increase social allowances in the current year, in particular pensions for elderly people, as well as persons suffered from Chernobyl tragedy or “civilians suffered in zone of military operations” in order to make those people mentioned above attain the appropriate level of life.

In the national social support system, there are more than 20 kinds of social benefits (once and monthly paid) that exist in the country. Some of them are covering many walks of life, but they are not qualified as significant in comparison with consumers. Allowances for children from low income families are equal to 9.000 AZM and this amount is paid to about 1.6 million of children. Currently, the government is planning to increase the volume of those benefits by decreasing the number of its beneficiaries in order to ensure the appropriate level of life.

Article 10: Protection of family, mothers and children

28. Please indicate the degree of family violence acts phenomenon in member country and what measures are taken to prevent such acts.

First of all, it should be pointed out that the phenomenon of “internal violence” is insufficiently studied. Any attempts to study this fact have “local and discrete character” and these studies were mainly conducted by NGOs. Presently, more comprehensive study is being undertaken with the support of UNICEF taking into account methodology used in foreign countries. Some women or children non-governmental organizations are counting the facts of violence in families and schools. In 2004, the Ministry of Youth, Sport and Tourism is planning to realize a series of measures to analyze and debate this problem. In order to form public opinion, “Inkishaf Merkezi” (“Development Center”) NGO has prepared special play named “Life without violence”, which is performed in rural regions of Azerbaijan with the support of UNICEF and is an integral part for preparation of public opinion.

In 2003, no cases of violent treatment, psychological or physical violence against children by parents or persons replacing them were registered. Perhaps, during this period of time, 54 criminal acts of social content were committed against minors, 25 persons were subjects to criminal lawsuits.

In accordance with the co-operation program between the government and UNICEF, representatives of the Ministry of Internal Affairs have taken part in six seminars, two meetings, thirteen trainings devoted to problems of children who necessitate assistance.

29. Please indicate results of program for children who needs special protection, which is implemented by the government jointly with UNICEF.

As a result of co-operation with UNICEF for children who need a special care, 16 specialists have participated in training for the work with “street children”. During the summer of 2003, methods and forms of children rehabilitation work directly in street

conditions were used . In the present time, children are involved in participation in sport activities in children sport schools and artistic studios.

In 2004, it is planned to conduct overall research study on children living in orphanage houses, “street children” and children in broken families. The Ministry of Youth, Sport and Tourism considers necessary to realize pilot project for co-ordination of activities of local institutions of youth, education, police, commissions for minors rights and its protection, commission for adoptions. It is vital to implement this activity operatively and comprehensively in concrete cases of violations of children rights to live in a family.

Functions, structure, staff and methodological issues of “Children Police” are currently discussed with the Ministry of Internal Affairs.

Since it has been established, the Ombudsman Office has begun to attach a high importance to increase awareness on children rights, their familiarizing with the Convention on Children Rights and current national laws on children rights. In this connection, a series of trainings has taken place in secondary schools of Baku city, in cities and villages of the country and in refugees’ camps.

The goal of these trainings is to teach the UN Convention on the Rights of the Child by informal and interactive methods.

The Ombudsman Institute developed a brochure entitled “The rights of juveniles in the institutions of confinement”. The rights of juveniles in the institutions of confinement provided for in the international and national acts are reflected in the brochure. The brochure also tells about the UN Convention on the Rights of the Child; European penitentiary rules; European Convention for the Protection of Human Rights and Fundamental Freedoms; International Pact on Civil and Political Rights; the UN Rules for the Protection of Juveniles Deprived of their Liberty; UN Standard Minimum Rules for the Administration of Juvenile Justice; a plan consisting of 10 items on juvenile justice and also a number of national legislative acts.

Every year on the 10th of December, the International Day of Human Rights, the Human Rights Commissioner Institute holds a contest among journalists on the subject of protection of human rights.

With the support of the Ministry of Education, UN High Commissioner for Refugees and Exxon Mobil Azerbaijan, employees of the Ombudsman Apparatus held meetings with refugees and internally displaced persons in the region of Barda. The training on the UN Convention on the Rights of the Child was held in the course of the meeting with 150 children of refugees and internally displaced persons.

Employees of the Apparatus hold regular workshops on the rights of the child in the Leadership school created on the initiative of the Children’s Peacemaking Network “From child to child”.

Boarding schools for children

	2001	2002
Child's home	4	4
they accomodate (persons)	191	173
including orphans	101	85
Orphanage	6	6
children accomodated there, persons	705	749
including orphans	207	266
Boarding schools for orphans and children left without parental care	2	2
they accomodate (persons)	540	516
including orphans	356	342
Boarding schools for children with health limitations	13	12
they accomodate (persons)	2731	2860
including orphans	181	228
Orphan home – boarding schools for mentally retarded children	2	2
they accomodate (persons)	348	359
including orphans	244	185
Common type boarding schools	39	39
they accomodate (persons)	17781	18859
including orphans (persons)	2095	2692

	1997	1998	1999	2000	2001	2002
Number of orphans and children left without parental care (total)	25375	26065	26249	26977	27275	28055
including: those being under tutelage	8444	8677	8787	9036	9090	9295
those adopted	14853	14959	15063	15089	15001	14962
those being brought up in child's homes	122	115	122	107	101	85
those being brought up in orphan homes	105	130	117	139	207	266
those being brought up in boarding schools for orphan children and children left without parental care	349	345	347	368	356	342
those being brought up in boarding schools for children	236	273	272	280	181	288

with health limitations						
those being brought up in orphan home – boarding schools for mentally retarded children	85	85	140	203	244	185
those being brought up in common type boarding schools	1181	1481	1401	1755	2095	2692

	2001	2002
One time allowance for child birth:		
number of staff (thousands of people)	94.0	94.2
amount (in million AZM)	6121.4	6519.0
Allowance for care of children under 3 years:		
number of staff (thousands of people)	27.5	26.4
amount (in million AZM)	4413.4	4361.1
Monthly allowance paid from the moment of child birth until reaching the age of 16 years:		
number of staff (thousands of people)	1622.2	1605.4
amount (in million AZM)	177238.7	169159.9
Number of children receiving pensions due to the loss of bread-winner		
number of staff (thousands of people)	110.4	112.1
amount (in million AZM)	5854.1	8074.5

30. The extent of problems related to prostitution, trafficking in women and children, and child prostitution in the member country. Please, also provide information about whether the trafficking in human beings is a penal act.

Article 106 of the Criminal Code provides for a criminal liability for slavery, i.e. full or partial exercising of powers toward a human being peculiar to the right of ownership, and also for acts committed towards juveniles or for the purpose of displacing to a foreign country.

A criminal liability is set for slave trade, i.e. keeping a person for the purpose of turning him/her into a slave or using him/her as a slave, selling or exchanging him/her, disposing of him/her, and also any act connected with slave trade or transportation of slaves, as well as slavery on a sexual basis or infringement of sexual freedom on slavery basis.

A criminal liability is also provided for in accordance with Article 141.3 of the Criminal Code for kidnapping of a juvenile person.

In accordance with Article 173 of this Code, a criminal liability arises for purchase and sale of juveniles or commitment of other acts towards juveniles through transferring or taking possession of him/her are punished by deprivation of liberty for a term up to 3 years. A more severe punishment is envisaged for the same acts committed repeatedly; toward two or more juveniles; -

by a group of persons through a previous concert or by an organized group; by a culprit through abusing his/her position; with illegal taking of a juvenile out of the borders of the Republic of Azerbaijan or illegal returning of a juvenile back to the territory of the Republic of Azerbaijan; for the purpose of using organs or tissues of a juvenile, and also for acts provided for above and entailing death of a juvenile due to reckless negligence or other grievous consequences.

In conformity with Article 244 of the given Code, a liability is envisaged for establishment, keeping of disorderly houses for engaging in prostitution or providing living quarters for these purposes.

The Republic of Azerbaijan joined the Facultative Protocol to the Convention on the Rights of the Child, concerning trafficking in children, child prostitution and child pornography (Law No. 285 II Q dated 02 April 2002), Convention on slavery (Law No. 99-1Q dated 31 May 1996), Protocol on introducing changes to the Convention on slavery (Law No.109-1Q dated 31 May 1996), Supplementary Convention on abolition of slavery, slave trade and institutes and customs similar to the slavery (Law No.101-1Q dated 31 May 1996), Convention on fight against trafficking in human beings and exploitation of prostitution by third persons (Law No.102-1Q dated 31 May 1996). The Parliament of the Republic of Azerbaijan ratified the Protocol on prevention and suppression of trafficking in human beings, especially women and children, and punishment for it, complementing the UN Convention against transnational organized crime.

Notwithstanding trafficking in human beings is envisaged in the criminal legislation in one way or another, the Ombudsman put forward a proposal on introducing an Article "Trafficking in human beings" to the Criminal Code of the Republic of Azerbaijan and plans discussion of this problem with participation of governmental structures and NGOs with submission of recommendation to competent authorities.

On 6 May 2004 the National Plan for fight against trafficking in human beings in the Republic of Azerbaijan was adopted.

Article 11: The right for adequate standards of life

31. Please provide further information on the poverty liquidation strategy in Azerbaijan and to what extent it will have success in protection of decent life for the majority of population.

The poverty liquidation strategy in Azerbaijan is reflected in the State Program for Poverty Reduction and Economic Development.

The Program covers a three-year period (2003-2005) and envisages an annual monitoring of the status of implementing activities set forth in the Program. The Poverty Reduction Strategy in Azerbaijan assumes accomplishment of two main tasks in the field of economic policy.

The first task consists in provision of macroeconomic stability, application of a flexible fiscal and monetary and credit policy. A great work has been done in this field and the main task at this stage is strengthening of achievements in this area.

The second task consists in creating conditions by the Government for a stable and balanced economic development.

Up to the present remuneration of labor and other payments to the population were considered to be the main ways for liquidating poverty. However, as the practice had shown, although it played a substantial role in the poverty reduction strategy, it appeared to be an insufficient lever for ensuring stable increase in living standards of the population. For these reasons and for the purpose of creating opportunities for employment and generation of stable income, the Government places a high emphasis on the development of entrepreneurship.

The preservation of economic stability supposes implementation of the following measures:

- flexible monetary and credit policy and retention of stable prices,
- raising cost efficiency,
- enhancing the budgetary process,
- revenue management,
- State debt management.

An economic growth strategy per industries was developed within the framework of the Program, which assumes improvement of investment conditions, infrastructure development.

At present, a strategy of employment in the Republic of Azerbaijan, which will allow to ensure a complex approach in resolution of the population's employment problems, is being developed with the financial support and technical assistance of UN Development Program and WLO.

Reforms in state management, judicial and legal reforms, fighting against corruption are planned in the field of institutional policy. There are various ways for determining poverty and identifying its level. The fundamental objective of developing the State Program on Poverty Reduction and Economic Development is investigation of reasons giving rise to poverty and preparation of a necessary strategy for their elimination on the basis of using various indication of poverty level in the country.

In 2001 The State Statistics Committee started surveying households and the initial results of this survey were used for rating poverty in the country. Using an absolute poverty threshold of 120,000 AZM (25.8 US dollars) monthly per capita, it was established that 49% of the country's population is in poverty. And using a relative poverty threshold of 72,000 AZM (15.5 US dollars) monthly per capita, it was established 17% of the country's population is extremely poor.

Poverty and reasons giving rise to it may be characterized in the following way. The poverty level in cities in comparison with rural areas is higher (55% and 42% respectively). In Baku the poverty level coincides with an average index of other cities. Along with that, majority of the poor population, i.e. $\frac{1}{4}$, moved to Baku.

A higher poverty level in cities is explained by the decrease of employment in non-agrarian sector. At the same time, the population of rural areas has an opportunity of acquiring land and being engaged in individual farming protecting them from poverty. Since inhabitants of rural areas receive foodstuffs at the expense of their individual farming, i.e. sown area, livestock breeding, they seem to be relatively well protected from the poverty risk. Moreover, the survey process shows that the absence of energy and gas lasting a long time, low level of infrastructure, limited access to the use of primary medical and educational services in the rural areas and also in small towns push country people into difficulties. Although land acquisition plays an important role in protection of country people from poverty, however, in many cases, land becomes suitable not for generating additional income, but for satisfaction of daily needs.

The available information does not enable to come to comprehensive and full-fledged conclusions about differences in the living standards in separate regions. An additional monitoring control is required for this purpose.

The more members in a family the higher is the poverty risk. The poverty risk of a single person or a family consisting of two persons is very low (poverty level at 8-18%), as opposed to families consisting of 6 or more people (poverty level at 61%). The fact of having two children in a family does not have a great impact on probability of becoming poor, however, this risk is rising in families having 3 or more children.

The poverty risk of children is somewhat higher as compared with adults. This becomes apparent in the rise of vulnerability of some part of children population, increase in the number of children sent by parents to public institutions for keeping orphan children (social orphans) and the increase in the number of the homeless.

In accordance with the results of household survey, the poverty risk of women and men is at the same level. However, a relatively higher jeopardy of women unemployment and their employment in the sectors of economy where the salary level is lower than an average level existing throughout the country makes them more vulnerable on the labor market.

In families where head of family has a higher education, the poverty risk is somewhat lower. There is a probability of becoming poor provided that head of family has a status of refugee or internally displaced person (the poverty threshold in families of internally displaced persons is 63%). A temporary settlement and poor living standards impact vulnerability of this group of the population.

The significant part of them (about 70% of internally displaced persons capable of working) does not have permanent jobs and is dependent on allowances and aid of humanitarian organizations. In many cases, school buildings are located at temporary objects. Indicators connected with health care of this population are lower than the average indicators throughout the country.

Employment is an important means for protecting a family from poverty. At present, the number of officially registered unemployed is 1.2%, however, in accordance with information obtained as a result of national census in 1999, an unofficial rate of unemployment is about 15.8%. As a result of the land reform, implemented in the course of the past year, the employment rate in the agricultural sector as compared with total employment has grown from 31% to 41%. However, employment in this sector is stipulated by a peculiarity that it is connected more with earning means of living rather than generating additional income.

Now the level of participation of labour on labour market remains high, however the majority of people have temporary jobs or receive low earnings in public sector. From these positions, presence of high employment level is not at all safety parameter for securing incomes. Women, young men and graduates of professional schools prevail among the registered jobless population. The degree of participation of labour among men is high in comparison with women, and it influences poverty of women and promotes their congestion in vulnerable group.

In initial stage of independence, the majority of parameters has worsened in the field of public health services. Since the middle of 90s, improvements began to be observed in some parameters. By assistance of the international organizations successful steps have been made in connection with prevention of distribution of infectious diseases. According to official data, since 1995, death rate among mothers and children till 5 years old has decreased. However, there is a

necessity for gathering of the information to possess full perception about it, and the greater perfection of statistics of public health services. The level of birth rate has decreased. However, this parameter, increasing among girls - teenagers in the age of 15-19 years, causes the serious concern connected to their education and health.

In Azerbaijan, a level of erudition is high (98,8 %), and the level of attendance of those in 6-16 years age groups makes 86 %. A level of attendance in compulsory education is relatively high. However, lack of textbooks, unsatisfactory condition of logistics, out-of-dated curriculums, low salary and deterioration of education of the remote areas for the shortage of teachers generate serious problems. Decreased level of attendance is observed in medium comprehensive schools, especially in the senior classes (8-11 classes), and also professional and higher schools .

Azerbaijan has inherited a number of the problems connected to an environment from the Soviet period. Environmental problems are more convex first of all, in Baku, Sumgait, Gandzha, Ali-Bayramli which are large industrial centres. The ecological experience used during the Soviet period, and also economic difficulties of 90s rendered negative influence on water stocks, the ground, air, flora and fauna. Thus, all this has harmed the lands suitable for an agriculture. Environmental problems have influenced also the growth of vulnerability in some groups of population. On the other hand, poverty itself generates environmental problems. As an example to that can serve unlimited catch of fishes in Caspian sea, and immense use of pastures. Absence of continuous gas and electric power supply compels a poor part of the population to cut down trees and to use them for heating. And it results in destruction of woods.

The government, on the basis of the data on existing poverty in the country and standard of living, has prepared the strategy directed on 6 basic purposes on reduction of poverty:

- (I) Creation of the comprehensible environment with a view of expansion of opportunities income generating activities;
- (II) Preservation of macroeconomic stability;
- (III) Improvement of quality of the major services in public health services and education and creation of equal conditions for their utilization;
- (IV) Improvement of an infrastructure (including roads, municipal services, communication, soil improvement, etc.);
- (V) Carrying out of corresponding transformations in existing system of social protection for more rational protection of vulnerable groups;
- (VI) Improvement of refugees living conditions and IDPs.

After getting independence, from economic aspirations positions, it is possible to divide years into two periods. The years covering 1991-1995, and the period after 1995.

In the beginning of 90s, the economy of Azerbaijan was characterized by high rate of inflation, that, in turn, has led to reduction in volumes of manufacture and as a result of unnecessary monetary and credit issue in great volume, the absence of transformations in existing financial segments gained more menacing forms. Despite that in 1991-1995 attempts for implementation of some measures have been made reduce social intensity, it has even more sped up the process of inflation and did not render the help in the decision of problems. The real rate of GDP has decreased approximately to 60 %, hyperinflation occurred, cost of national currency-manat sharply decreased and foreign currency reserves exhausted. By calculations, the rate of GDP decreased to 44 % in 1995 in compare with 1990, During this period consumer charges of domestic economy decreased approximately to 50 %.

For short term, since the end of 1994, public and political stability has been restored which was necessary for economic transformations. Since 1995, 3 state programs started to be implemented in the directions of restoration of macroeconomic stability, carrying out of structural changes and restoration of economic growth . By assistance of the World Bank and IMF, the large-scale stabilization program has been realized. As a result of realization of these programs a number of successes has been achieved. Budget deficit, has been reduced from 10 % to 1,2 %

against to gross national product of 1994, and experience of reception of credits from National Bank (NBA) for a covering of budgetary charges is suspended.

The interest rate on the centralized credit resources of NBA has been reduced from 250 % up to 7 %, gold and currency reserves have been created in volume 4-5 folded levels of monthly import of the country . The rate of inflation, in general, is kept at the level below 2 %, and in 2001 this figure has made 1,5 %. For short term, it has been provided internal convertibility of national currency - manat. Process of privatization, and now production of private sector shares more than 70 % of gross national product. Land reform is conducted, and 1,3 million ground hectares of the ground areas have been distributed among the population. Reforms have been carried out in banking sector and the corresponding measures directed on co-ordination of book keeping, system of payment, the control over bank system and to bring banking legislation with the international standards.. Within 1995-2001 economic revival has been mainly connected with oil sector. But, at the same time, economic growth has been observed in all areas of economy, including agriculture. In general, within 1995-2001. GDP increased by 2,5 times, production of the industry - by 3,5 times, foreign trade - by 2,2 times.

Six basic purposes of poverty reduction strategy have been mentioned above. The forthcoming task consists in definition of corresponding economic and fiscal policy for genuine realization of these measures. The fiscal policy should be directed on preservation of existing macroeconomic stability, and economic policy - on stimulation of development of oil structures and regions, expansion of opportunities for income generating activities. The important role for infrastructure, within the framework of fiscal and economic policy, is played the provision of the public and private investments.

Though last years, the increase in standard of life of the population was observed, corresponding measures in this area will be continued as a result of the economic growth, . The new social policy connected to improvement of social protection of the population, by maintenance of vulnerable groups with even more addressed social assistance, improvement of maintenance by the basic services in public health services and education, support of the basic strategic purposes for rendering assistance to refugees and the compelled immigrants will be secured in this connection.

Now, it is obviously necessary to carry out reforms in two spheres - pension system and maintenance of social assistance manuals. In this regard, collection of social - insurance payments for financing pension payments are not in time and not carried out up to the mark, precise differentiation between manuals of social insurance and social protection it is not observed. The amount of pension and timeframe for repayments of social payments do not match. The various help in addition allocated to pensions is carried out due to public budget. A number of social assistance manuals is based not on needs, but on categories of the population. As a result, existing reserves are used not on reasonable direction of assistance to the most needy groups, and are distributed in the rare form among wide groups of the population.

The conceptual document of reforms in pension system has been adopted. According to this document, the purposes of transformations in social insurance are the following: duly and consecutive payment of pensions, increase in their sizes, application of model of forecasting, the equation of pension age for men and women and liquidation of professional privileges, modification in payments of social insurance by maintenance of full collection of social payments, improvement of management by provision of pensions, creation of the automated system of social insurance and the pension based on the individual account, and maintenance of match between social insurance and the amount of pensions.

The main purpose of Government policy on social assistance consists of increase in rationality in addressing, strengthening short-term prospect of assistance to the poorest and vulnerable groups and definition of rational system of regulation and protection of state policy in municipal area. The basic purpose of the social help covers addressing social benefits to the poor population, maintenance of rationality of the policy conducted in this area and improvement of

management in social protection system. Here, first of all, most part of the budget of the social help is considered for children. For creation of the improved system of addressing, 6 policy measures are determined:

- (I) Creation of effective system of administration;
- (II) Creation of necessary legal base for social assistance policy;
- (III) Preparation of social help strategy documents;
- (IV) Preparation of the mechanism of addressing for definition of the poorest and vulnerable groups;
- (V) Creation of corresponding system of compensation for poor in the policy conducted for municipal sphere;
- (VI) Preparation of monitoring and estimation system for development and carrying out of social assistance policy. All measures are to the same extent priorities and should be, to greater or lesser extent, carried out in parallel.

Concerning payment policy, the Government has an intention to improve services of public health services and education, to stimulate civil servants due to increase of wages and maintenance of rationality of their workplaces. And addition for attracting qualified professionals to regions, wages will be applied in these areas as well. .

The government will improve labour market policy with the purpose of protection of the population which have lost their work as a result of structural changes due to privatization and transformations in public sector. In regions, new services of consultations and labour exchanges, and also the regional centers will be organized for preparation and retraining of workers. Also projects will be used in connection with creation of workplaces for the population which have stayed without work for a long time. The need is felt for available reliable information on a labour and employment, for conducting measures connected to development of active and passive labour markets. For filling this information gap, the Government is going to prepare and carry systematic system of monitoring of labour.

With a view of improvement of elementary and secondary education services, Government will gradually finance maintenance of each pupil with the basic textbooks. Though a level of attendance in elementary and secondary education is relatively high, however there are the certain problems connected to quality of education. The increase in wages will promote stimulation of pedagogical collective, and revision of curricula, and methods of training will help improvement of education. For lack of conducting repair works, technical condition of many schools is in poor condition. And at some schools, many children receive education in extreme condition. The government, in connection with the decision of these problems, will carry out various measures. For example, means for repair 200 and constructions of 28 high schools will be allocated.

Discrepancy is observed between vocational training and the specialties claimed on a labour market . From these positions, carrying out of reforms is planned in the field of vocational training.

Application of new technologies of education will assist acquaintance of each child to computer technology.

Last years reduction is observed among the children in preschool educational establishments . The government, will create conditions for the organization alternative institutional establishments of family and communal types for stimulating implementation of programs on care and development of children at early age.

In 1998, for the organization and carrying out of reforms in public health services sector the State commission has been created, and in this direction certain works have been done. And in 1999, the conceptual document directed on carrying out of reforms in public health services system has been adopted, and the basic attention has been given to the reforms conducted in the field of primary level of public health services. The basic problems of public health services with

which the poor population faces are infectious diseases, sharp respiratory infections, dysentery and other diseases. The most effective treatment of these diseases is their preventive maintenance. Therefore, now attempts in sphere of reforms of public health services are directed on perfection of potential for rendering primary medical services qualitative and accessible to all. Last three years, a number of measures have been carried out in five areas in this direction . Expansion of this program is provided within 2003-2005.

The second direction of reforms provides rationalization of profitable services of public health services, i.e. it is supposed to carry out development of the special measures confirming rationality of improvement the health of the population and demanding relatively small expenses. These measures cover such practice of treatment as programs of immunization and carrying out educational campaign on children's diseases in the coherent form, safe motherhood and care of newborns, and also iodized salts , .

The government, cooperating with donors in the field of primary link of public health services, assumes performance of the following measures: increase in expenses in public health services sector; definition together with the donor organizations of cost of expenses on the basic package per capita and for maintenance of its gradual increase in budgetary charges; increase in payment to workers of public health services; creation of system on clearing of payments of services in paid medicine; acceptance full financing of the program of immunization, except for the Hepatitis; carrying out of educational campaigns on improvement of well-being of mothers and children, including, reduction of such diseases, as tuberculosis, malaria, iodine deficiency and AIDS/HIV, organization of educational campaigns on increase in knowledge of the public, especially poor, about healthy way of life and feed; improvement of reproductive health of the population; Perfection of data gathering for preparation of the basic parameters of public health services, and application of international standards on the basic parameters of public health services; transition to services suitable for users and perfection of readiness, switching and awareness of workers of public health services sector, paying attention to expediency of the prevention of diseases distributed in groups of the greatest vulnerability, it is more than on their treatment; carrying out of monitoring by opportunities of purchase of clean water, and also on others, influencing health, to environmental factors.

For improvement of vital conditions of refugees and IDPs living in poor social conditions, various measures are put into practice. On the means allocated from the State Oil Fund of the Republic of Azerbaijan (SOFAR) new settlements, schools, kindergartens, hospitals and other medical institutions are under construction. In some buildings very populated with IDPs, repair works are carried out, sanitary conditions being improved in others. The government carries out this works together with private sector and other international organizations.

The majority of skilled IDPs are unemployed. Now, measures are conducted for encouraging provision of microcredits for development of the small and medium enterprises, and also, allocating the ground areas to 20.000 families of the IDPs on temporary using, the measures directed to solution of unemployment problem..

Refugees and IDPs are provided with food aid by Government and donors. They also receive monthly manual for meal in the sum 25.000 AZM. Work on maintenance with opportunities of this group of people to use establishments of formation{education} and medicine is carried out{spent} and will proceed.

In connection with presence of a difference in vital conditions of refugees and IDPs it is required by regular inquiries, to carry out monitoring on refugees and IDPs for address direction of assistance to the most vulnerable groups.

Poverty reduction strategy provides performance of two basic functions of economic policy. The first function will consist in flexible and cautious use of fiscal and monetary and credit policy for preservation of macroeconomic stability. The second function will consist in creation of conditions by the Government for t balanced economic growth. The important role in maintenance of the balanced growth is played by encouragement of development non-oil sector

and, especially, creation of new workplaces in the regions of the country located outside of Apsheron peninsula.

With the purpose of preservation of macroeconomic stability the National Bank of Azerbaijan will continue implementation of corresponding monetary and credit policy on deduction of inflation on low level (2-3 %), the state expenditure in intermediate term prospect will be limited at strong level without inflation. The government, even more improving with institutional sides of economic and financial bodies, will improve financial planning and carry out the rational control over it. Institutional changes will provide improvement of budgetary process, including, providing balance in expenditures and incomes and determining priority expenditure of the government in the intermediate term circuit of budgetary expenditures. « State investment program » will be prepared reflecting all necessary details in itself. By improvement of tax and customs codes, and also organizational and procedural structures of tax and customs systems, development the potential of the workers serving in this system, will improve opening of income generating activities. Management of public debts will be improved, delivery of the state guarantees is limited and financial control over it strengthened.

Government, with a view of creation of balanced growth, will utilize three basic means - the state financial policy, regulation and privatization. These means will assist improvement of works of some leading sectors - improvement of investment atmosphere, expansion of conditions of providing credits for people engaged with business activity, development of infrastructure for small and medium enterprises, and also regional and agriculture, improvement of environment, implementation of reforms in the field of manufacture and distribution of energy, and also encouragement of tourism.

As the component of poverty reduction strategy, rationality of the State expenditure connected to development of human resources will be increased, in particular, for social security, public health services and education. Expenditures on public health services will be increased twice and will make 6 % of the state expenditures. According to reforms conducted in the field of initial medical services, rationality of incomes will be provided in public health services . The share of nation-wide charges on education will be reduced from 17 % to 16,4 %. Corresponding financial assets will be increased on the account of equal opportunities for purchase of knowledge, improvement of opportunities for access to textbooks and education centers .

Within the framework of overall development of rural areas, the agriculture plays key role in development of non-oil structures in regions. The regional development policy, basing on steady use of natural resources of the country, will create conditions for development of infrastructure, irrigation, drainage systems and encouragements of employment in not agrarian sectors of region. For securing the long maintenance of natural resources, improvement of soil quality and management will be conducted For reduction of expenditures for manufacture and processing, and increase in rationality in manufacture of farmer associations will be supported. Farmers will be provided by local consulting services and with the qualitative information on microcredits, ways of the best soil utilization and etc.

Privatization of some veterinary services will be encouraged. The government will undertake maintenance of food safety and public health care through improving the control over the state laboratories, expanding scope by veterinary vaccines and strengthening quarantine supervision on borders,

The most part of agriculture of the country depends on system of irrigation and drainage. Public investments are needed for restoration and increase in rationality of majority of these systems. It is required to improve management in this area. With this purpose, even strengthening of Water-users Associations will be supported.

Measures directed on solution of environmental problems at national level, cover clarification of mercury waste, improvement of pollution management, restoration on some sites of water-purifying and sewer systems, protection of biodiversity of Caspian sea, protection of the

soils against pollution, improvement of management by woods, implementation of projects on forest plantations and maintenance monitoring control over parameters of environment.

Lack of constant power supply in rural areas is one of the main problems of the population. Not less important problem in power supply harms state budget as of the latent grants. With aim to implement consecutive transformations in this area, government has adopted «State program on securing of financial discipline in power sector ». The policy stipulated in the program, covers some directions. The first is precise reflection of the latent grants in documents of the state budget. In 2002-2006 it is planned to increase in payments of municipal enterprises of the State Oil Company of the Republic of Azerbaijan . During this time, the Ministry of Finance will provide "Azerenergy" and "Azerigaz" with corresponding securities for volume of the outstanding sum of the State Oil Company for the energy used..

Sufficient funds will be transferred for consumption of energy and gas to the budgetary organizations, at the same time, limits will be established on the use of energy and gas. In case of infringement of limits, relevant sanctions will be applied, and supply will be stopped. Therefore, meters will be established for consumers under compulsion. It will help collection of duties and will suspend squandering in consumption of energy.

The cautious increase will be planned in the level of collecting of payments of the services in domestic economy . Installation of meters will take some time, and increase collection will be carried out in parallel with application of new manuals for needy families. Carrying out of propaganda campaign is provided on notification of the public about methods of energy safe in the organizations and domestic facilities.

Maintenance with municipal services will be improved in transferring electricity, gas and water supply to private sector. Already in Baku, Sumgait, Gandzha and Ali-Bayramli networks of distribution of the electric power are transferred to long-term management. Structural changes in Azerenergy, Azerigas and the State oil company will be continued. Functions of state regulation will be carried out on the account of the Ministry of Fuel and Energy, and responsibility for commercial operations will be assigned to the State Oil Company and the municipal companies. In order to take into account and adjust the tariff rates, Advisory Tariffs' Council is organized. The purpose in that is gradual elimination of difference in the prices for oil, non oil products and gas in the domestic and external markets.

Azerbaijan is the country possessing domestic and international tourism potential. For steady development of tourism this potential can be realized by the means of common efforts of state and private sectors and the measures making it possible to carry out this coordination. Tourism industry, for its income generating potential, is closely connected to other basic directions of poverty reduction strategy. Tourism, creating concrete requirements to services, can create such conditions which make profit at regional and local levels, starting from highly skilled works till works in low qualification. Tourism can create conditions for development of small and medium enterprises. Tourism, at the same time, can improve participation of local population in preservation of the environment. The government, providing investments in regional infrastructures, will support tourism.

The basic strategic objective of institutional reforms on poverty reduction can be generalized as follows:

- (I) in changing economic environment conditions, carrying out clear and obvious split of functions, including, between regulation and commerce;
- (II) increase in professionalism and transparency in state control system;
- (III) development of decentralization in decision-making and self-financing in local level;
- (IV) carrying out reforms in judicial - legal system;
- (V) strengthening struggle against corruption at all levels.

For transition to market economy, institutional reforms are carried out in Azerbaijan and they are closely connected to the process of definition the role of state. For improvement of the business and investment environment in the country, the regulating role of the state has great value. The government within the last 5 years has made important steps directed to release from commercial activity. Besides, the work will be continued to withdraw commercial functions from state bodies, .

Other important direction of institutional reforms depends on improvement and rationality of state structures' behavior. With this purpose, some measures have been implemented to reforms in state bodies . So far, about 30 central agencies have been abolished, incorporated and new ones created . For securing flexibility in the payment system, reforms are carried out in the field of the public service, connected with upgrading the professionalism of civil servants and increase of the level of wages on public service according to the category as responsibility and professionalism. Reforms also will be carried out in the bodies which are responsible for fiscal, monetary and credit policy in the country. These reforms will be directed on collection of profits, best management of public debt and improvement of state budget.

The government carries out the measures connected to decentralization in public sector management. Creation of municipalities can be considered as an important step in this process. Municipalities as one part of decentralization process can promote strengthening of local management, improvement of allocation of financial assets at local level, encouragement of regional development and considering public opinion during decision-making.

Judicial and legal reforms will be carried out for increasing legal professionalism of judges, public prosecutors and lawyers, improvement of the procedure of disposal of legal proceeding in courts, improvements of opportunities of citizens for reference in legal establishments and participations in litigation, maintenance of conformity of local laws to requirements of market economy and improvement of activity of bodies engaged with execution of laws, .

During preparation of the State program on poverty reduction and economic development, the role of process of participation consists in maintenance of wide and all-round discussions with civil society. It has great value on some questions: enrichment by official information on poverty and the reasons of its generation by direct supervision and methods of consultations; establishment of the most comprehensible ways of releasing poverty, taking into account the needs of people appearing in this position, their desires and potential opportunities for avoiding poverty; obtain of more extensive data on the circle of measures on poverty reduction, methods and actions by preparation of policy; strengthening of potential at local level for realization of stages of realization and monitoring of the given program.

Process of participation in Azerbaijan for the first time appeared in the center of attention during business meetings of the Government and representatives of civil society in Baku and other five regions of the country (Cuba, Nakhichevan, Masalli and Sheki). This process was put into practice at sectoral, regional and national levels with application of the methods corresponding to each stage, and has been maintained by a lot of international donor organizations. Primary interrogations, regional consultations, seminars have captured 63 villages and cities. At participation about 2000 people, 120 meetings of Focal groups and 1000 individual interrogations have been lead.

The basic purpose of this process was informing public on the concept of multidimensional character of poverty. This process has highlighted poverty (« new poverty »concept) which has appeared as a result of having place changes in economic structures in transition period. It has captured the most part of people of trade (teachers and workers of public health services), refugees and IDPs, children and pensioners. This process, at the same time, was the subject of attention on deepening the difference in opportunities between Baku and other regions of the country.

Process of participation has revealed a number of important questions, from the political point of view, :

- At unproductive and unprofitable use of lands, the legal property over such land cannot help reduction of the level of poverty in families.
- The high rate of unemployment among IDPs is caused not by their professional skill, but limitation of their opportunities. Presence of high unemployment rate among the population of high qualification, besides people possessing tight specialization and people, not having any professional abilities, demands implementation of the policy corresponding to labour market.
- Poverty and social sequence are interconnected. The population living in remote areas, from the point of improvement of standard of life, look relevantly undependable. In this regard, those living closer to the centers look more optimistical. According to the mentioned, difference was observed in participation between jobless and employed people, i.e. a part of the population having income. Such picture is more observed among IDPs. .
- There is a necessity for preparation of long-term and consecutive strategy for carrying out of instructing connected to awareness of the public about their participation.

Experience of participation, at the same time, has revealed the components marked below, having main role in this process.

Necessity of public awareness about environment. Preservation of the environment is both a source, and result of consecutive economic growth. Despite that, poor communities include more satisfaction of urgent needs, than preservation of the environment among the of priorities , .

In expansion and implementation of participatory process, one of the most useful ways is informing the public on environmental problems and carrying out monitoring measures at local and communal levels .

Gender aspect. In general, the level of participation of women is low. Women during the series of regional meetings made 37 %, and during meetings with Focal group, approximately, 10 % of respondents . This fact makes the decision of the questions connected to improvement of participation of women at the subsequent stage very important. One of the questions mentioned by women - participants as priorities, is presence of need for women - businessmen in training of special ways of business .

Protection of domestic market. By results of meetings with farmers, it is possible to confirm the opinion that, the agriculture experiences difficulties from competition with the crops imported from neighboring countries. It is necessary to note, basic attention will be given to increase in productivity and competitiveness, and protection of the market in state strategy.

Roles and opportunities of municipalities. Municipalities, alongside with reflection of process of democratization in the country, have assisted in formation of tasks which are starting with economic and social needs at local and communal levels. And even more important, is their decentralization, an opportunity of transformation into useful structure in the stream of counter information between Baku and regions. Their representations (in general, 2700) are available on all over the country. Their work is closely connected to preparation of social and economic programs. They possess an opportunity for close cooperation with NGOs and at the same time are interested in development of small and medium business in regions.

At the same time, for use of opportunities of municipalities in participation, it is necessary to improve work on their organizing activity, training and development of potential in execution and monitoring of poverty reduction program.

Despite the duration of poverty reduction process, solution of its some aspects demand short-term, even urgent realization. For the solution of the most urgent needs of poverty reduction of the community possessing corresponding knowledge, skills and potential, demands mobilization of these opportunities by management and stimulation.

Necessity is felt for organization of training, educational work, carrying out of wide regional researches, improvement of parameters and mechanism of monitoring, effectiveness of participatory process and preparation of the mechanism of the report .

It is necessary to note that, because of incompleteness of the information on other parameters, corresponding information is provided before carrying out monitoring on respective sources.

For carrying out monitoring on research of opportunities for generating income and successful realization of measures, it is required to carry out regular interrogations . Data on growth are related to the category of reliable parameters for monitoring in non oil sector, quantity of the small and medium enterprises which are taking place annual registration, and data on bankruptcy in private sector.

Study of domestic economy, examining the level of charges and incomes, will define addressed social benefits and the mistakes connected to "inclusion" and "exception". During carrying out the monitoring, corresponding data will be used for control over reduction of children who are taking place in public institutions, .

For carrying out of monitoring on progress achievements in the condition of infrastructure, data will be used on the state investment. The government will cooperate with donors for monitoring this aspect of strategy on poverty reduction, for analysis of countryside infrastructure and those in cities, widely using process of participation, .

For carrying out of monitoring, relevant to improvement of public health services, data will be used on program of immunization on covering the level of children's death rate till 5 years and parent death rate, and also reduction of malaria, tuberculosis, sharp respiratory diseases among children, parameters of the number of children. For monitoring realization of the program, it is required to improve the work on gathering the information and parameters . As intermediate, the parameters will be used connected to increase of wages of people working in the field of public health services, with reduction the number of beds in regional medical institutions and, accordingly, increase in the number of treatment received in out-patient medical institutions.

In education sector such parameters will be used as common level of attendance and parameters of growth of attendance by gender. With this purpose, preparation and publication of reports concerning parameters of attendance are provided. Such parameters are included in number intermediate, as increase in wages of people working in education sector, increase of funds for educational equipments and increase in number of children provided with free-of-charge textbooks.

As to refugees and IDPs, here the basic parameters will be the number of IDPs living in tent small towns and in places of temporary residences, number of IDPs lodged on their own will in newly constructed settlements and number of IDPs, provided with microcredits for making business in agriculture or other commercial activity.

As a result of economic growth and macroeconomic stability below mentioned parameters will be used: deduction of inflation rate at a level of 2-3 %, deduction of currency reserve, at least, at the level of 16 week import of oil products, increase in granting of credits to the organizations and individuals, strong deduction of fiscal deficiencies at the level no more than 3 %, in relation to gross national product, and preservation of public debt at the level of 30 %, in relation to gross national product. The basic source for carrying out of monitoring will be observation of domestic economy. With the aim to secure reliable polling data of monitoring on a standard of living at republican and local levels, quality of quarries will be improved. The data received by means of information system on food safety by the State Committee on statistics will be used also. The government will cooperate with donors in carrying out consecutive queries on a labour, in research of condition and an infrastructure in countrysides, carrying out of

interrogations among refugees and IDPs. For securing the improvement of methods of inquiry methods of participation and special researches multi-indicator cluster researches and monitoring of an environment will be used. Gender data will be published, whenever possible.

Within 2003-2005 the Secretariat of the State program on Poverty Reduction and Economic Development will coordinate process of realization and implementation of monitoring. The secretariat of the program assumes annual publication of results on process of realization. The secretariat during supervision the process of realization, simultaneously, will provide with the information through the use of parameters of monitoring, improvement and the coordination of strategic measures depending on their impact on poverty.

At the stage of preparation of the documents there was observed the weakness in institutional potential under the analysis of data concerning the standard of life. So far, in respective state agencies the potential of carrying out researches on poverty is low. For this reason, at Secretariat of the Program it is supposed to create a department on monitoring poverty for working with the results received as a result of research of standard of living, . The main duty of experts of this department is carrying out of researches on standard of living, and then, organization of training for workers of other state bodies to work with these researches in preparation and estimation of poverty reduction policy. The basic parameters of level of the poverty, received on the basis of the analysis of data of domestic economy, will be exposed to monitoring. In process of reception of the additional data received as a result of new inquiries on various sources (for example, inquiries about human source), the circle of researches of group will extend, and communication between various aspects of poverty will be represented in more precise form.

It is necessary to note the measures have been undertaken on poverty reduction in such social spheres as education, medicine and culture. In these spheres has been planned to spend:

	(in million manats)	
	2003 year	2004 year
Education	37050	41930
Public health services	9848	32425
Culture	62022	7727

The reason of a difference in the sums allocated on culture in 2003 and 2004, will be, that in 2003 from reserve fund of the state budget it has been allocated 62000,0 million manat on restoration of the State Philharmony.

In May, June, 2003 on the basis of corresponding decrees signed by the President of the Republic of Azerbaijan of wages of those working in the field of education , public health services, culture and science had been increased for 50 percent.

For increase of wages and various kinds of grants in all branches of national economy, including education, public health services, culture and science from the state budget, it has been spent 478,3 billion manat in 2003, and also it is predicted to expend 996,4 billion manat in 2004 on the same purpose .

In the field of education, on improvement of curriculums and standards of education, on application of new technologies in education it has been directed 117,8 million manat from the state budget.

With the purpose to improve social status of those working in the budgetary organizations, charges have been increased on payment of services on the goods and services (except for municipal services) . For this purpose in 2004 it is planned to spend 5,9 billion manat due to budgetary funds

32. Please, give the information on the measures undertaken for maintenance of an adequate standard of living of internally to displaced persons and refugees .

According to provisions of the Law of the Republic of Azerbaijan on the status of refugees and the compelled immigrants (the persons moved within the borders of the country) from May, 21, 1999, refugees having the rights and freedom of citizens of the Republic of Azerbaijan, have identical duties if other cases is not stipulated by the Constitution of the Republic of Azerbaijan, by the present Law and other acts.

To the person who has received the status of the refugee or the compelled immigrant (the person moved within the borders of the country), the following guarantees are given when due hereunder:

- The right in the order established by corresponding enforcement authority, however no more than three months, residing before reception of work or residence, in specially replaced places;
- Free-of-charge moving and transportation of property to temporary residence;
- Reception of necessary medicines and medical aid for old men, children, the invalids needy and the persons who have lost the head of the family in the places of temporary residence and in hospitals, in the order established by corresponding enforcement authority, ;
- Receptions by children to education in preschool educational establishments, teenagers and youth in corresponding educational institutions;
- Purchases of food and industrial goods with equal reason with the citizens constantly living in settlements;
- Receptions of state lump sum and other help;
- Prime accommodation of lonely pensioners and invalid disables at the special enterprises of social security;
- Receptions in time, the status of the refugee or the IDP (the person moved within the borders of the country) established by the present Law,

- Claim on compensation of caused material and other damage;
- Right to go to court for protection of the broken rights;
- Returning back to former residence.

The person who has received the status of the refugee, has the rights and duties which are stipulated by the legislation of the Republic of Azerbaijan for foreigners and persons without citizenship.

For the adaptation of refugees to local conditions, conditions are created for transition in citizenship, studying of language, acquaintance with the rights and duties. The refugee can use humanitarian aid. The refugee can receive citizenship of the Republic of Azerbaijan according to the Law of the Republic of Azerbaijan «On citizenship of the Republic of Azerbaijan».

To the person who has submitted the application for granting of the status of the refugee, the following rights are given:

- Temporarily to live in territory of the Republic of Azerbaijan;
- Free-of-charge use of translator;
- to be temporarily employed;
- To receive medical aid;
- Till to the decision on granting the status of the refugee in the order established by corresponding enforcement authority, however no more than three months to use the place of residing in the given point of temporary accommodation;
- Freely to profess the religion;
- To keep in contact with the representative of United Nations High Commissioner for Refugees.

The person who has submitted the application for granting the status of the refugee, should:

- To present to corresponding body of the Republic of Azerbaijan necessary data for the decision on granting the status of the refugee;
- To observe the order of stay established by the current legislation in territory of the Republic of Azerbaijan;
- To pass medical examination on the demand of bodies of public health services;
- To pass obligatory state dactyloscopic registration.

The person who has submitted the application for granting of the status of the refugee, however refused to give data on or given obviously false data concerning the reasons of the request for granting the status of the refugee, is rejected in granting the status of the refugee.

The State Committee of the Republic of Azerbaijan Refugees and IDPs, the Ministry of Labour and Social Protection of the Republic of Azerbaijan and local executive authorities assist refugees and IDPs (to the persons moved inside the country) in a choice on a place of work.

Restoration of a uninterrupted length of service of work is carried out on a new place of work in the order stipulated by the legislation.

During the period of interruption of the refugees and the compelled immigrants (the persons moved inside the country) from manufacture in connection with

improvement of professional skill or training of a new speciality for them, the average wages on a new speciality are paid on a new place of work. A difference in the salary for all industrial period in connection with change of speciality on the job, enterprise signed the labour contract, the enterprise and the organization pays to the refugee or the compelled immigrant (to the person moved within the limits of the country).

Provision of the refugee and IDP (the person moved inside the country) with temporary or constant living space is carried out by the State Committee of the Republic of Azerbaijan on Refugees and IDP and local enforcement authorities of the Republic of Azerbaijan in the order established by the current legislation.

Charges of the refugee and IDP (the person moved within the limits of the country) in connection with resettlement from temporary residence on a constant residence and works are compensated to him in proper manner and order.

At the request of the refugee and IDP (the person moved within the limits of the country) he is given interest-free loan for the period of ten years, and also depending on a place of residing, a piece of land area in size and the order stipulated by the legislation.

At purchase by the refugee and IDP (the person moved within the limits of the country) of an apartment or at home, operation are carried out without payment of notarial duties.

Refugees are involved in taxes and duties, imposed only on the citizens of the Republic of Azerbaijan.

Abovementioned does not refer to duties, imposed in connection with delivery of corresponding administrative documents.

Ombudsman visits camp of refugees and IDPs on a regular basis . Having listened to their complaints and wish in Saatli, and first of all, considering heavy ecological conditions "Saatli-I" and vital conditions of the IDPs living in cars, Ombudsman has addressed to the State Committee on Refugees and IDPs with the recommendation on liquidation of this camp and their initial resettlement in the stone houses constructed in territory of Fizuli area. As a result, more than 300 families of IDPs have been moved from Saatli camps .

For last years in the Republic of Azerbaijan the legal base concerning social protection of the compelled immigrants and refugees has been established. In this connection, on Parliament side, 13 Laws were adopted, the President of the Republic of Azerbaijan has issued 27 Decrees and Orders, the Cabinet has adopted 153 decisions and orders.

As it is specified in article 7 of the Law « On social protection of the compelled immigrants and the persons equal to them», the state, by virtue of independence of the compelled immigrants, creates necessary conditions for their employment, engagement with commercial and enterprise activity.

At acceptance for work of the compelled immigrants and refugees, representation of work-record card is not necessary. At reduction of staff and number of workers in establishments, enterprises and organizations, the given persons possess the right of priority for preservation of workplaces.

To refugees and the compelled immigrants engaged in commercial and enterprise activity, bank credits can be given out for them when due hereunder.

For the last few years, with the purpose of the solution of the problem of employment of the compelled immigrants, in rural areas for 20 thousand families of the

compelled immigrants for employment by rural activity at the created 611 agro-farmer enterprises it has been allocated 60 thousand hectare of the ground.

According to the Decision of the Cabinet of the Republic of Azerbaijan « On Confirmation of the Order and conditions of delivery of credits to the compelled immigrants for engaging with agricultural activity (agriculture)» from November, 6, 2000 in 2002, due to the percent interests received from credits, the credits for engagement with agricultural activity (has been given to each family one million five hundred thousand manat) given to the compelled immigrants and from the sum specified in the state budget, to 675 families of the compelled immigrants placed in various cities and areas of republic, including in territory of Autonomous Republic Nakhchivan.

The special registration sheet concerning use of the credits given to compelled immigrants where directions of an expenditure of the sum of the credit have been specified, quantity of the bought material assets has been prepared. In this connection, being based on the Decree of the President of the Republic of Azerbaijan from December, 6 of 1999 year, on the side of Fund of Social Development of the compelled immigrants workplaces were open for the compelled immigrants, the help has been rendered to development of small business, and also corresponding actions have been carried out in the field of delivery of microcredits to the compelled immigrants. Thus, with the purpose of expansion of enterprise activity of the compelled immigrants, project of microcredits is carried out due to one part of the sum of the credit by means of the international organizations of microcredits and the local unions under credits on the part of the specified Fund .

In connection with accommodation of refugees and the compelled immigrants, and also in connection in improvement of their social conditions on the part of the President of the Republic of Azerbaijan have been issued the Decree « On the sanction of the problem of accommodation of the Azerbaijan citizens who have been turned out from historical places of residing in territory of Armenia as a result of ethnic cleaning, carried out by the Armenian Nazis » from August, 22, 2001, the Decree « On some actions concerning accommodation of some part of the compelled immigrants in territory of Agdam and Fizuli areas replaced out of from same regions and temporarily placed in tent camps as a result of occupation of territories of Azerbaijan by Armenian armed forces » from September, 7 of 2001 year, the Decree « On some actions concerning improvement of social position of the compelled immigrants placed in five tent camps, taking place on the territory of Bilasuvar area » from May, 13, 2002.

In connection with execution the set forth by above Decrees, 5000 person (1000 families of refugees), 30000 person (5500 families of the compelled immigrants) have moved to new apartment houses. Each family of refugees and the compelled immigrants, moved in new apartment houses, has been provided 12 hundredth domestic and 1 ha with an crops area, and also in the order established by the Cabinet of the Republic of Azerbaijan, the irreplaceable financial help the sum in 1 million manat.

All inhabited settlements constructed for refugees and compelled immigrants, are completely provided with a technical and social infrastructure (school, hospital, a kindergarten, the electric power, water, roads, etc.).

With the aim to secure employment and improvement of social and household situation of 3860 families of the compelled immigrants expelled from Agdam and other areas and placed in tent camps in Barda territory and Agjabedi area and also temporarily

placed in freight cars of the railway in Barda area before clearing the occupied grounds of Azerbaijan and before returning the compelled immigrants to the native land, the Order of the President of the Republic of Azerbaijan from February, 4, 2004 « On actions on maintenance of employment and improvement of social and household position of the compelled immigrants who have been withdrawn Agdam and other areas, placed in tent camps in Barda and Agjabedi territories, and also temporarily placed in railway wagons in Barda area. As a result of occupation of the Azerbaijan lands on the part of armed forces of Armenia » construction of new settlements in areas Agdam, Kalbajar and Goranboy with maintenance with the electric power, water, education, public health services and other important social - technical infrastructures has been determined. In this connection the corresponding State Commission has been created and orders have been given to corresponding state bodies.

The order of the President of the Republic of Azerbaijan « On clearing of the compelled immigrants of payment, trainees on a paid basis in the state high and medium special educational institutions » from August, 4, 2003 the compelled immigrants receiving education on a paid basis in the state high and medium special educational institutions, are exempted from payment since 2002/2003.

For improvement of social status of IDPs and refugees, the decision of the Cabinet «On regulation of payment to refugees the cost of the consumed electric energy » was adopted on June 10, 2003. On the basis of this decision, refugees the state has undertaken the payment of the electric energy, used by IDPs and (with a condition of consumption no more than 150KW a month per head). With this purpose 21,0 billion manat has been allocated from the state budget.

Also, the state has undertaken provision of free-of-charge textbooks for children of IDPs and refugees. 23,3 billion manat allocation is planned to this purpose from the state budget in 2004.

33. Please, specify, whether there is correspondence with article 10 of the Housing code with the General Remarks of the №4 Committee of 1991 about the right to adequate habitation.

34. Please, specify, whether there is correspondence to article 10 of the Housing code with the General Remarks of №7 Committee of 1997 about the right to adequate habitation: violent eviction.

According to provisions of article 41 of the Housing code of the Republic of Azerbaijan dated July, 8, 1982, the premises given to citizens for residing, should be well-equipped with reference to conditions of the given settlement, to answer established sanitary and technical requirements. The premises are given citizens within the limits of norm, but not less than the size established in the order, determined by the Cabinet of the Republic of Azerbaijan.

Given premises should be in feature of the given settlement.

Settling released premises in emergency and shabby houses, cellars, barracks and in other structures not adapted to habitation, and also in the houses subject to demolition, major overhaul is not supposed.

Eviction from occupied premises in state or public houses of the available housing is supposed only on the bases established by the law.

To the citizens moved from premises, other premises simultaneously are given, except for the cases stipulated by the given Code (article 89).

Citizens are moved from state and public apartment houses of the available housing with granting other comfortable premises, if:

- the house in which there are premises, is subject to demolition;
- the house threatens with a collapse{landslide};
- the house (premises) is subject to re-equipment in uninhabited (rticle 90).

In article 87 of the given Code it is marked, that the tenant of premises has the right to terminate at any time with the consent of members of family the contract of rent. In case of departure of the tenant and his family members for a constant residence in other settlement or resettlements in other premises in the same settlement, the contract of rent of premises is considered members of his family terminated from the date of departure or resettlement.

By the decision of the Constitutional Court of the Republic of Azerbaijan concerning article 60 of the Housing code of the Republic of Azerbaijan dated March, 12, 1999, it has been established, that at application by courts of part I of article 60 (at time absence of the tenant or members of his family, he keeps the premises within six months) of the Housing code of the Republic of Azerbaijan, it is necessary to take into account, that at cases not specified in article 87 of the Housing code of the Republic of Azerbaijan and other acts of the Republic of Azerbaijan, time absence of the tenant or members of his family, including within six months and more, do not deprive with their rights to residential space.

Besides, it is necessary to add, that the project of the new Housing code of the Republic of Azerbaijan is at the stage of development.

Article 12: The Right on physical and intellectual health

35. What measures have been undertaken by the state - participant for improvement of the effectiveness system of public health services, in particular in sector of first-aid treatment to entitle the majority of the population to have access to public health services system and to possess the right on health according to the General Remarks №14 (2000) of these Committee on the right to health.

Reforming of public health services is accompanied by formation of a strict state policy in this area, increase of the responsibility of all bodies of the government and management for her unconditional realization.

In system of measures of development of public health services the leading place is shared by public sector, alongside with realization of national complex programs on actual directions of medicine, provides availability of free-of-charge medical aid to large families, other socially vulnerable layers of the population in all territory of republic.

Development of alternative system of public health services is supported. Thus the profit on insurance medicine, private hospitals, health resorts and paid services will mainly go on liquidation of break between needs and available resources for nation-wide sector of public health services.

The main key problem of practical public health services and all social strategy of the state puts forward system of protection of motherhood and the childhood.

Realization of a national policy in the field of family, reproductive health, preservation and strengthening of a genofund of the nation will provide the strong base of healthy generation. In these purposes social, spiritual and economic levers of influence will be widely involved.

On June, 11, 2001 the board of directors of the World Bank had been approved the Project on Reform of Public health services of Azerbaijan. On July, 25, 2001 the agreement between the Government of the Republic of Azerbaijan and the World Bank has been signed.

The basic purpose of the project is amplification and reform of primary medical services at the regional level. The project will consist of the following basic components:

- Creation of organizational opportunities for public health services policy reforms. The basic purposes of this component are completion and support of regional component and research of ways of stimulation of national discussion of changes policy necessary for reform of public health services in Azerbaijan; creation of personnel opportunities in the government for carrying out of reforms; achievement of mutual understanding on the purposes and problems of reform; carrying out of the crucial estimations connected to reform of financing of public health services; strengthening of personnel opportunities of Ministry of Health on planning, performance and an estimation of results of reforms of public health services;

- Reform of primary medical services in areas. The basic contents of this component is expansion and performance of the programs already conducted in the experimental order in various parts of the country, rationalization of primary medical services, improvements of their quality and maintenance with them, strengthening of administrative and professional opportunities of workers of public health services. The component is developed for granting material support and training of the personnel of medical institutions.

Within the framework of realization of the program rationalization of services of public health services is carried out with significant participation of local population, reduction bed fund of hospitals and rationalization of the number of medical workers, as a part of reforms and transition to out-patient treatment. In the areas, repair work are carried out in objects of primary medical services.

As the result of expansion of organizational opportunities of public health services, the opportunity will be created, first of all, to the poorest groups of the population in reception of qualitative medical aid, increase of profitability of rendered services and its availability .

The purposes of the project are the increase in of the patients visiting primary medical institutions, increase in number of children of the infantile age receiving immunization in due time, increase of a share of the pregnant women attending obstetrical establishments, etc.

The project will expand work of public health services sector in Azerbaijan with assistance fair maintenance and utilization of cheap, effective, well controlled, qualitative and adequate preventive maintenance and treatment services to the of clients.

Persons without the citizenship, constantly living in the Republic of Azerbaijan, have equal rights with citizens of the Republic of Azerbaijan in the field of health protection.

Foreigners have the right to health protection in the order stipulated by the international agreements with participation of the Republic of Azerbaijan (article 10 of the specified Law).

With a view of prevention of infectious and occupational diseases, representatives of some profession, according to the list authorized by the Cabinet of the Republic of Azerbaijan, it is obligatory to pass medical examination at recruitment and during the work, on the account of employer.

With a view of protection of the rights, legitimate interests of the population and safety of the state, the persons engaged in certain kinds of professional work and activity connected with raised danger due to a source, recruitment, and during work, should pass medical examination (medical check) in the state narcological medical institution {article} 15 of the specified Law) not less often than once in one year

Each woman during pregnancy, giving a birth and the postnatal period is provided with the free-of-charge specialized medical aid in centers of the state public health services system (article 17 of the given Law).

Minors have the right on free-of-charge dispensary control and treatment in children's and teenage medical establishments of the state system of public health services in the order established by the Cabinet of the Republic of Azerbaijan; study and work in the conditions adequate to sanitary-and-hygienic requirements; free-of-charge medical consultations at professional suitability establishment; a preferential feed and reception of medical-social help due to means of the budget in the order established by corresponding enforcement authority.

At the request of parents or lawful representatives minors with physical and mental disabilities can kept in establishments of social protection system. (article} 18 of the specified Law).

Military men, recruits and admitted on military service under the contract have the right to medical examination with the purpose of securing suitability to military service or preschedule clearing of military service on the conclusion of the military-medical commission.

At disagreement with the conclusion of the military-medical commission, military men, recruits and admitted to military service under the contract have the right to address in court in the order established by the legislation.

Recruits and admitted to military service under the contract have the right to reception of full data on passage of medical inspection and survey, suitability to military service or about a delay of an appeal, medical indications or contra-indications for clearing of service.

Military men, recruits and admitted to military service under the contract have the right to reception of medical aid in establishments of the state system of public health services, and their medical maintenance is defined by the legislation.

Medical inspection of members of family of military men is carried out in accordance with general practice with other citizens. At impossibility of reception of

medical aid in civil medical institutions, they are provided with all kinds of medical aid in military-medical parts or establishments (article 19 of the specified Law).

Pensioners have the right to reception of medical aid at home, from the establishments of the state system of public health services, on the medical-social help in establishments of system of social protection, and also on the medical conclusion, sanatorium treatment and rehabilitation on favourable terms due to means of social insurance or social protection(article 20 of the specified Law).

Rules of rendering of the medical-social help to invalids and privileges in this area are defined by the legislation (article 21 of the specified Law).

The citizens injured in places where state of emergency and living on ecologically adverse territories is declared, have the right to reception, in the order established by the legislation, free-of-charge medical aid, sanatorium and regenerative treatment, maintenance with medical products, immune-biological preparations and other medical means, and also for use hygienic and anti-epidemic measures, with the purpose of elimination of the factors dangerous to life and health.

The citizens injured at participation in rescue of people and rendering them help at force majeure, have the right to free treatment, including sanatorium treatment and maintenance with all kinds of rehabilitation, reception of grants{manuals} in the order established by the legislation (article 22 of the specified Law).

Privileges are established by the legislation; the order of rendering of medical services to the compelled immigrants and the persons equal to them and in the area given to them (article 22-1 of the specified Law).

The arrested persons, the arrested citizens condemned during serving of punishment, use the right of reception of medical aid in out-patient or stationary conditions depending on the medical conclusion, including the first medical aid due to budgetary funds.

Women of this category during pregnancy, during births and during the postnatal period have the right to reception of the specialized medical aid.

In punishment establishments children's homes are organized for accommodation of children who have not reached three-year age of sentenced women .

Involvement of the arrested persons, the arrested citizens, and also those sentenced as object for carrying out of any medical and biologic researches is forbidden during serving punishment .

Rules of rendering of medical aid to the arrested persons, the arrested citizens, and also those sentenced during serving punishment are by the legislation.

For reception of medical consultation and passage of treatment in punishment establishments, those sentenced have the right to address the medical institutions rendering paid services. Payment of similar services, and for medicines is carried out by sentenced person or by his relatives (article 23 of the specified Law).

The primary medico sanitary help is one of kinds of the free-of-charge medical service rendered to each citizen.

This service includes treatment of widely widespread diseases, traumas, poisonings, and also other illnesses demanding the emergency help; carrying out sanitary-and-hygienic and anti-epidemic actions, medical preventive maintenance of public -

dangerous illnesses; other measures on protection of family, parents and children and rendering of medico sanitary help in the residence area.

The primary medico sanitary help is provided with establishments of the state system of public health services, and also establishments of sanitary-and-epidemiologic services.

Subjects of private medical activity render the primary medico sanitary help on the basis of the contracts made with the organizations of medical insurance, and also patients.

The order of rendering primary medico sanitary help is defined by the Cabinet of the Republic of Azerbaijan (article 32 of the specified Law).

Citizens living in territories with extreme conditions and in ecologically unclean territories have the right to reception of free medical aid, sanitary-leisure and rehabilitation services, provision with medicaments, immuno-biological drugs and other medical means and also for use of hygienic and anti-epidemic measures with the aim of elimination of factors which are danger for life and health (according to the rules determined by legislation).

Citizens damaged in rescuing the people and giving them first aid in extreme conditions have the right for free treatment including sanitary-leisure treatment and provision with all types of rehabilitation, reception of allowances according to the rules determined by legislation (article 22).

Ways of medical care giving to IDP's and persons in equal status with them and compensations paid in this field are determined by legislation (article 22).

Detained, arrested people, persons in prisons use the right for receiving medical care in ambulatory or stationary conditions depending on medical conclusions including first medical aid through budget funds.

Woman of aforementioned category in period of pregnancy, birth and afterbirth periods have the right for specialized medical aid.

In prisons there are child houses for children up to three years old of the woman-prisoners.

Attraction of detained, arrested and persons in prisons to any medico-biological researches is prohibited.

Rules for medical care giving to detained, arrested and persons in prisons are determined by legislation.

For medical consultation and treatment in places of serving punishments prisoners have the right to apply to medical enterprises giving payable services. Payment of such a services, medicaments is realized by prisoner or his relatives (article 23).

First medico-sanitary aid is one of the free medical service giving to every citizen.

This service includes treatment of widely spread diseases, traumas, poisoning, and also other diseases requiring immediate aid; organization of sanitary-hygienic and anti-epidemic measures; other measures on protecting the family, parents and children and medical aid giving according to the place of living.

First medico-sanitary aid is provided by enterprises of state health system and also by enterprises of sanitary-epidemiological service.

Subjects of private medical activity introduce first medico-sanitary aid on basis of agreements signed with international organizations of medical insurance and with diseased people.

Order of giving first medico-sanitary aid is determined by Cabinet of Ministers of Republic of Azerbaijan (article 32).

First and immediate medical aid is introducing for people in cases requiring immediate medical intervention (accidents, traumas, poisoning and other diseases) by medical enterprises independently from form of property and also by persons obliged to give first aid.

In state medical enterprises first and immediate medical aid is introducing free of charge.

Independently from participation in private medical activity payment to subjects of private medical activity introducing first medical aid for people is made by organizations of medical insurance where are these people insured.

Persons engaged in private medical practice introduce free medical aid to the persons requiring immediate medical support.

Immediate medical measures implemented in connection with drug diseases are realized through the funds of state budget.

Specialized first and immediate medical aid is organized by service of first aid and sanitary-aviation service.

Order of giving first and immediate medical aid is determined by Cabinet of Ministers of Republic of Azerbaijan.

In cases of life danger for citizen medical worker have the right for free transportation of diseased persons to the nearest medical enterprise by any type of transport.

Owners of auto-transport or other officials refusing requiring of medical worker to deliver to the nearest medical enterprise have the responsibility according to the rules determined by legislation.

During road-transport accidents representatives of corresponding police services should introduce first and immediate aid to injured person and deliver him to medical enterprise (article 33).

Specialized medical aid is introduced to the citizens by qualified doctors in state and non-governmental enterprises, in cases, requiring special researches – treatment and use of difficult medical technologies.

Forms, volume, quality standards and order of giving specialized medical aid are determined by Cabinet of Ministers of Republic of Azerbaijan (article 34).

Persons with diseases which are dangerous for public (list of which is determined by Cabinet of Ministers) are assigned free sanitary-medical aid in treatment-prophylactic enterprises of state health system; they are provided with stationary treatment and dispenser approval by order shown in legislation.

For certain group of people with diseases which are dangerous for public in period of non-ability to work the work places are maintained and other privileges are considered (determined by legislation).

Types and volumes of medico-sanitary aid are defined by Ministry of Health of Republic of Azerbaijan together with other ministries and structures (article 35).

Methods of prophylactics, diagnostics and treatment, medical technologies, drug and anti-infection means, immune-biological medicaments are used in health according to the order shown in legislation.

Methods of diagnostics and treatment, medical means not allowed to use but under the consideration could be used by written agreement of the patient or by parents and legal relatives of teenagers and persons who are disabled if their life are under the danger(article 36).

For development of financial-technical basis of medicine it's planned to allocate 30910,0 million AZM.

With the aim of strengthening of the system of first aid introduction for 2004 it's planned to allocate 150 million AZM in ten administrative regions of Republic.

	2001	2002
Number of doctors of all fields (thousands)	29.1	29.5
Per 10000 people	36.3	36.5
Thousands people	59.9	59.1
Per 10000 persons	74.6	73.1
Number of hospitals	735	738
Число коек в больничных учреждениях, тыс.	69.0	68.7
Per 10000 persons	86.0	85.0
Число коек для больных детей, тыс.	11.5	11.4
Policlinics	1618	1603
учреждений в смену, тыс.	105.0	105.9
Per 10000 persons	130.8	131.0
Ambulatories (independent and dependent)	917	917
врачебные и гинекологические койки), тыс.	7.3	7.4

36. Report of state-participant shows that the programs on immune-prophylactics, control of tuberculosis, AIDS liquidation, molaria reduction, planned and reproductive health are adopted. Please show in brief contexts of these programs and achieved results.

At the beginning of 90's there was very adverse epidemiological situation. Maintained residual roots of some dangerous inflectional diseases leaded to local strikes, increasing then to serious epidemics at the whole Republic level.

With active support of IHO and UNICEF Ministry of Health elaborated several National programs and projects to reduce with most spread infection diseases; immunization strategies have been implemented. For development of control and reduction of diseases regulated by means of specific prophylactics, their liquidation and elimination the Spread Program on Immune-prophylactics (SPIP) has been elaborated. Program considers process of supervision under immunization process, construction of medical centers, security of injections and continuous financing on immunization. It also covers questions on prophylactics on disease cases, reduced by vaccine and coverage of immunization. The program includes following aims:

- To support a high level of scope by vaccination, by routine immunization at a republican and regional level;
- To undertake strategy of the control for **корью**, directed on its liquidation by 2007;
- To ensure safe practice oif injections of a vaccine under the program SPIP;

- To ensure adequate delivery and quality of vaccines on SPIP;
- To include immunization by a vaccine Hepatit B on SPIP;
- To consider the problem of including in SPIP the use of new vaccines.

The strategy considered for improvement of the control of illnesses, which are in a field of sight SPIP, include maintenance of adequate and continuous financing of the program SPIP, improvement of the monitoring system and illumination of cases of disease, scope of immunization, planning of the special layers of the population for reception of vaccination, increase of safety immunization, maintenance of incessant purchase and deliveries of qualitative vaccines, creation of the appropriate conditions of a storage both transportation from republican and regional bases, improvement of laboratory capacities with the purpose of acknowledgement (confirmation) of diseases both maintenance of a training and public mobilization.

Programs and plans of immune-prophylactics at whole and separately have been directed to reach high level of injections according to calendar of injections. Based on data for 2003 coverage of **БЦЖ, ОПВ, АКДС** and root vaccine is approximately 90 – 93 %.

As a result of the carried out measures in deadlines it was possible to restrict the flare of infectious illnesses and completely to take a situation in frameworks of the controlled control. Now of Azerbaijan, alongside with other European countries has received the certificate free from poliomyelitis. Last three years is not registered illness of difteria , positive dynamics was determined and on illness of **заболеваемости коклюшем, корью, столбняком и т.д.**

The extended Program Immune-Prophylactics carried out by UNICEF since 2003 has passed on republican financing. The support of the program is carried out only in a part of introduction of new vaccines against Heppatit B and three-componental vaccine **against кори, краснухи и паротита (MMR)** by Fund of Vaccines GAVI and Fund of Rsatropovich.

The kept residual centers malaria of an infection, and first of all in areas with high malaria in potential in the beginning 90 years began to develop actively, increased then at the end in large epidemic, with scope practically of all territory of the Republic of Azerbaijan.

During 1996 the 13 135 cases of malaria hve been registered with intensive amount of this feature 170 per each 100 000 people or highest level for last more than 40 years.

Developed by Government of republic at participation of the experts a Staff of an apartment and European regional bureau a CART the Program of struggle with malaria has confirmed the high efficiency in practice. The maximal involving of a medical public in anti - epidemiological work, wide application of anti-malaria preparations, at coordinating activity of the interested organizations on country level, business partnership with the external donors, International humanitarian organizations promoted fast localization of flares malaria and significant reduction of activity of development epid-process at whole Republic..

For last years disease of malaria being dynamically reduced, in 2003 has reached a level of 482 cases, or has decreased more than in 27 times.

The order of a Cabinet of Ministers of the Republic of Azerbaijan from September 25, 2002 No. 205ñ authorizes the National Strategic Plan " On preventive maintenance and prevention of distribution HIV/AIDS in territory of the Republic of Azerbaijan ".

The basic priorities of the Strategic Plan are: definition and development of national policy in the field of prevention HIV/AIDS; a safety of transfusion of blood and its components, medical intervention and services; prevention of distribution HIV/AIDS among youth; preventive maintenance of transfer HIV from the mother to the child; prevention of distribution HIV/AIDS among injective drug narcomen and preventive maintenance of transfer of HIV from them to the sexual partners; prevention of distribution HIV among migrants, IDP's and refugees; prevention of distribution of HIV/AIDS by a sexual way; rendering of medical and social support to the people living with HIV/AIDS and the members of their families; perfection of methods epidemiological supervision and state control on HIV/AIDS.

Terms of realization of the Plan cover 2002-2006 years. The Ministry of Health of the Republic of Azerbaijan renders financial support for performance of the given Plan at the expense of the means. Unfortunately, our Republic has not received financial support from Global Fund and other international organizations.

In 2000 the Law " On struggle with a tuberculosis in the Republic of Azerbaijan " was accepted. In the performance of the given Law in 2001 is developed and the National Program on struggle with a tuberculosis for the period 2001-2005 years is accepted.

According to the recommendations the CART in republic, since 2000 takes root the program of DOTS. The plan of introduction of the specified program is made. In all regions of republic the bacteriological laboratories are organized, the medical personnel is trained to strategy of the program, methods of diagnostics and treatment. All anti-tuberculosis enterprises are equipped with the necessary equipment and are supplied with specific preparations.

As a result of implemented measures for last three years diseases on tuberculosis has decreased from 64,0 on 100 000 population - up to 54,0. Mortality from this disease has decreased from 6,2 on 100 000 population up to 3,7. Among patients with tuberculosis appearance of eliminator of bacilli increased from 19,9% up to 29,1%. Improvement of quality of treatment leaded to increase of abacillar patients which has very important essence in changing of epidemic situation of tuberculosis.

One of the main achievement the Program on planning and reproductive health was creation of a network of the national centers on " Reproductive health and family planning" and use of the authentic data on reproductive health and family planning , cooperation and best co-ordination with UN and international NGO's in the field of distribution of the programs on Reproductive Health. The given program was directed as a whole accenting the special attention on increase of access to modern methods of contraception, reduction parent death and development of the universal approach to rendering services on Reproductive Health. This project was specially developed what to fill in blanks and to help to solve existing problems. In the period of 2000 to 2004 - 24 centres on Reproductive health and family planning were open. All these centres are repaired under the European standards and are equipped with the necessary medical equipment and stock.

For the period of functioning of these centres the number of abortions has decreased on 12 %, and also the number of use modern means on 24 % has increased.

It was planned to spend from the state budget of 2004 for good safety of sorts both increase of care newborn and improvement of treatment of children's diseases of 400,0 million AZM, for reduction of diseases by a tuberculosis and realization of measures

against epidemics of 3287,0 million AZM, for reduction of diseases arising from insufficiency of iod in body and realization of measures for agitation of a healthy image of life and protection against harmful habits of 140,0 million AZM.

Articles 13 and 14: The right for education

37. Please, give the information on measures undertaken by the state-participant so that to make education accessible for refugees, IDP's and for various ethnic groups in their own language, in particular concerning the Armenians.

According to the provisions of the Law of the Republic " On the status of the refugees and IDP's " from May 21, 1999, the refugees use the rights and freedom of the citizens of the Republic of Azerbaijan have identical with them duties if the Constitution of the Republic of Azerbaijan, given Law and other acts is not stipulated of other cases.

The guarantee of reception by children of education in preschool growth enterprises, teenagers and youth in the appropriate educational institutions is given when due hereunder also to person who has received the status of the refugee or IDP).

According to the Law of Republic "On education " from October 7, 1992, for children - IDP's and the persons in equal status with them settled in camps created outside places of residing the preschool educational standards preschool and mid level educational institutions (article 16 of the specified Law).

Гражданам обеспечивается свобода выбора формы образования, образовательного учреждения и языка обучения (статья 3 указанного Закона).

According to the Order of the President of the Republic of Azerbaijan "On freeing of IDP's from payments in state higher and middle special educational institutions ", it was agreed to release IDP's, receiving paid education in state higher and middle level special educational institutions, from payment for education for 2002-2003 academic years.

Now in Azerbaijan the opportunity to receive education in the comprehensive schools is given to children of the refugees of the Afghans and Chechens..

As a result of by Armenia 20 % of territory of Republic and existance of about one million refugees and IDP's in specially created for them 698 comprehensive schools per 2003/2004 educational years was trained 93.457 pupils. It should be underlined that these pupils are provided with the school textbooks for all period of training through the state budget..

For living on territory of Republic children of various ethnic groups and representatives of the small peoples in places of their compact residing in the program of comprehensive schools the education on native language, as for example are included: lezgin, avar, talish, tsakhur, udin, ingiloy, tat, curdi, etc. Besides since 2003 in Baku the high school for children of the Jewish nationality with teaching ivrit was established .

Learning of native language by different ethnic groups

	2001	2002
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Number of pupils in state common schools (without the pupils with limited health opportunities)– total, persons	1653217	1682574
From them studying in language:		
Azeri	1542817	1574047
Russian	107874	106075
Georgian	2526	2452
Learn native language as independent subject:		
Tallish	21576	26070
Lezgin	23444	24670
Tsakhur	966	933
Avar	3217	3012
Udin	329	342
Khinalik	119	104
Ivrit	118	117
Tat	244	240
Curdi	117	-

38. Please, give the information on provisions concerning the special assistance for deaf-and-dumb children in education, given by the state-participant to give them the right to attend the system of the regular school programs and if necessary special schools.

According to the provisions of the Law of the Republic of Azerbaijan " On preventive maintenance of physical inability, rehabilitation and social protection of the disabled " from August 25, 1992, the state guarantees to the invalids necessary conditions for reception of education and professional training.

On the basis of article 15 of the Law of Republic of Azerbaijan " On preventive maintenance of physical inability, rehabilitation and social protection of the disabled " from August 25, 1992 the state guarantees to the disabled necessary conditions for reception of education and professional training. The corresponding bodies of the executive authority in the order stipulated by the legislation of the Republic of Azerbaijan, provide preschool and extra-school education for the disabled children, reception with the disabled of average special and higher education according to the programs of education based on conclusions of psychological - medico-pedagogical or medico-social commission of experts. Education and professional training of the disabled are carried out in the various forms, including training on the house and by the individual educational plans. The state provides preparation of the pedagogical staff specially for training and professional training of the disabled.

According to the article 16 of the aforementioned Law with the purposes of creation of the most favorable opportunities for education of disabled children of preschool age and providing them with rehabilitation assistance in common preschool enterprises are established by corresponding bodies of executive power. For disabled children, the defects of intellectual and which physical development exclude an opportunity of their education in children's preschool establishments of a common type, the special children's preschool establishments are organized.

According to the article 17 of the Law, the training of disabled children not having opportunity to study in comprehensive schools, is made at will and desire of their parents on the house. The corresponding bodies of the executive authority create all-round conditions for education of disabled children at houses. One of the parents of disabled children or the persons on their behalf is provided with all necessary financements and privileges according to the legislation of Republic of Azerbaijan. The period of caregiving for those children is calculated as work experience. Corresponding training-educational enterprises assist parents to educate disabled children in houses.

According to the article 18 of the Law, with the purposes of all-round and harmonious development of the disabled children education at them of public activity, their familiarizing with work, science, engineering, art and sports educational bodies, other state bodies are obliged to create necessary conditions for extra-school education of disabled children.

According to the article 19 of the Law the average, average special and higher education of the disabled is carried out in educational institutions of a common type, and if necessary - in special educational institutions. With the purposes of maintenance of the special conditions of education of the disabled for them the specialized faculties or branches of technical training colleges, technical schools and high schools are organized. The educations are organized also for the disabled children who are taking place a rate of treatment in stationary treatment -preventive or rehabilitation establishments. The gifted disabled children have the right to free-of-charge training to music, representational, art - applied art in common educational institutions or special extra-school educational institutions. The necessary conditions for delivery by the disabled of entrance examinations are created. During the study pension and grant are paid in the complete size. To the disabled students of I and II groups the extra charge at a rate of 50 % of the received grant is given out. The payment of study receiving paid maximum and average special education of the persons becoming the invalids I and II of group in the Baku events January 19-20, 1990, and also at protection of territorial integrity, independence and constitutional building the Azerbaijan state, is made through state budget.

According to article 20 of the considered Law, disabled children constantly staying in stationary establishments, the continuity of education and training in organic communication with social and labour adaptation is provided by these establishments.

According to article 21 of the specified Law, professional training and improvement of professional skill of the disabled are provided according to the individual program of rehabilitation and state program of rehabilitation of the disabled in educational institutions, including educational centres of a state service of employment, at the enterprises and in organizations (specialized or general(common) type) together with establishments on rendering the social help to the invalids and their public organizations. The state service of employment provides rendering services on professional orientation to the disabled with ability to work with the purposes of definition of their professional suitability, opportunities of training of a new trade and employment. Blind and visually impaired children are provided with the textbooks, written in Brayler system of the letter sounding books, manuals, special tape recorders, canes, deaf persons - acoustical devices and other means of typhlo - surdothechniques, for

them the special schools and studios of a sound recording are created, the special libraries are organized. Material maintenance of the disabled during professional training and the improvements of professional skill are carried out in the order and on conditions determined by the legislation of the Republic of Azerbaijan

Disabled children, long term (more than 21 days) staying in stationary establishments, are provided with these establishments a continuity of education and training in organic communication with social and labour adaptation (article 29). The sign language admits as the state as a means of interpersonal dialogue, training and granting of services of translation.

The persons with defects of sight are provided with training on system of Brail with access to audio-means and large font.

For the persons with intellectual lacks the system of training to easy understanding of language is organized..

The modern means of dialogue (article 22 of the Law) are given to the persons with defects of speech.

According to the Law of the Republic of Azerbaijan "On education (special education) of persons with the limited opportunities of a condition of health " the purpose of special education is, by training to necessary knowledge, skill and skills of the persons with the limited opportunities of a condition of health, maintenance of their adaptation to a society, and also creation of necessary skills, preparation for labour and family life.

The education of the person, with the limited opportunities of a condition of health not having opportunity educate is provided on the house with the appropriate educational establishment. The list of illnesses giving the right to educate on the house of a rule of maintenance of education on the house is determined by Cabinet of Ministers of Republic.

In a case if the persons, with the limited opportunities of a condition of health are on long-term stationary treatment (more than 21 days), on the basis of the decision of a psychological and pedagogical commission of Ministry of education the reception by them of formation(education) is provided according to their general educational program. The rules of maintenance of education in stationary conditions are determined by Cabinet of Ministers of Republic.

The reception of the persons with the limited opportunities of a condition of health in general educational establishments is carried out in the order, established by the legislation, according to the decision by a psychological medico-pedagogical commission or medico-social commission of experts.

The disabled children, if their physical lacks are not an obstacle for employment by art, have the equal rights to educate in educational institutions. In Baku the Children's musical school for blind children is functioning. The disabled children can freely be engaged in club establishments, use of libraries.

With the purposes of support of families having disabled children, the Ministry of youth, sports and tourism since 2001, annually organizes at the Republican centre of health and rest of children, summer rest for group of children with syndrome of Daun, autism, etc. together with their parents.

Last years with the purposes of realization of social integration of disabled children the various reviewes, competitions will be carried out. The competitions of figure, applied skill became traditional. At support of Disabled Fund two centres of social rehabilitation are created. Work on creation of their branches in cities and areas of republic now will be carried out

40. Please submit information regarding measures taken by participant state with reference to proposals developed by Agency of copyright of folklore protection

The Law of the Republic of Azerbaijan on “Protection of samples of Azerbaijan folklore” was adopted on May 16, 2003.

Draft law on “Legal protection of expressions of the Azerbaijan folklore” developed by the Agency of Copyright of the Republic of Azerbaijan, was guided by model provisions and recommendation of UNESCO and WOIP (World Organisation of Intellectual Property) for national legislation. It took into account the national specificity of the protected objects and the national peculiarities of their use. Legal protection of folklore expressions stands for its protection against illegitimate use and other prejudicial actions.

The Law was adopted and came into effect in August 2003 after considering discussions and proposals submitted by Milli Mejlis (the Parliament) of the Republic of Azerbaijan. Application of the given Law is governed by the special Decree of the President, outlining a set of organisational and legal acts that provide its implementation into practice. The relevant authorities, facilitating the implementation of the law, were granted to the Agency of Copyright of the Republic of Azerbaijan by Decree of the President of the Republic of Azerbaijan on January 29, 2004. On the basis of the authorities granted and provisions of the Law, the Agency, as an executive government body shall develop proposals on improvement of the existing legislation with reference to the international experience. It shall represent the Republic of Azerbaijan in international organisations dealing with legal protection of folklore expressions, organise international cooperation in a given area, and represent state interests in all cases of violation of the law with reference to use of folklore as well as make statement of claim in case of infringement of requirements of use of folklore expressions. Funds related with satisfaction of a claim, shall be transferred to the state budget and assigned to development of copyright, legal policy, and organisational provision of legal protection of folklore expressions. The Cabinet of Ministers launched a project that will provide compliance of the existing legal acts with the provisions of the adopted Law on “Copyright of folklore expressions of Azerbaijan”. The Ministry of Justice and the Agency of Copyright have submitted proposals to update and to amend relevant provisions of Civil Code, Criminal Code, and Code of Administrative Offence which envisage civil, administrative, and criminal sanctions in case of infringement of requirements of the given Law that may soon be adopted by the Parliament. The submitted proposals are similar to punitive measures applied during violation of copyright and adjoining rights.

To provide efficient application of the Law in practice, the Agency on Copyright has developed a package of directive documents that governs use of folklore expressions including:

- Guiding governing legal aspects of use of folklore expressions
- Outlining a warning in case of possible violations of use of folklore expressions
- Setting up and monitoring database of use of folklore expressions, etc.

In addition, comments to the Law were published in the International scientific magazine along with its electronic version and a special theoretical study of the Law on legal protection of artistic cultural heritage.

Adoption of the Law on protection of folklore expressions, preparation of the adequate legal acts, and stipulation of its application prove a peculiar attention of the Azerbaijan state to non-material, cultural heritage of Azerbaijan and to one of its important components – folklore.

Three main principles laid foundation for the Law on “Protection of folklore expressions of Azerbaijan”:

Protection and defence of folklore is executed on the basis of specific legislation similar to that of on intellectual property. Thus, folklore expressions are postulated as non-traditional form of intellectual property and they are granted special legal assistance. There is a special reservation stipulating that the Law does not limit or impair any protection which can be provided by means of other laws or international agreements of Azerbaijan on intellectual property. Simultaneously, the Law does not impede action; it is only supplemented with other laws aiming to preserve folklore expressions.

- The Law provides support of the required balance between protection from abuse of folklore expressions and encouragement of their further development and distribution. As a result, use of folklore, in traditional and usual context, including commercial benefits should be deemed free.

Registered folklore expressions are in accordance with recommendations of international organisations and guided with views accepted in the national folklore. Mostly, registered verbal expressions are supplemented with dastans, ashugs’ poetry, bayatys; music expressions – by mughams and tesnifs etc. It is emphasized that registered folklore expressions are not restricted to time or space.

In accordance with the Law, two categories of actions are introduced regarding protection of folklore expressions and developing the law protection area is required. The Law protects samples of folklore both from illegal use and other prejudicial actions (which cause damage).

At that, illegal use of folklore expressions stands to derive benefit and to be applied beyond the traditional or ordinary context of use. Hence, the Law emphasizes that any commercial use of folklore in traditional or ordinary context is considered to be free.

Such wording emphasizes an important role of broad use of folklore and thus, further distribution of folklore will preserve it.

The Law clearly states that illegal use of folklore is its commercial use beyond text sanctified with traditions and customs, resulting in unacceptable change of objectives, purpose, essence, and form which cause damage to folklore expressions.

In accordance with the Law, folklore expressions within traditional context indicate that their use is based on their artistic features which correspondent to traditions of long-term use by society. Similarly, use within context implies use in accordance with day-to-day practices for example, fabrication and sale of copies of material folklore expressions by local craftsmen. The Law notes that execution of requirements, introduced by adequate authoritative rules and used beyond the context sanctified by traditions and customs is necessary when there are samples of folklore expressions present (publications, reproduction, distribution) and when samples are not required (public recitations, performance, broadcasting and bringing to public attention by any available means).

The Law does not inhibit traditional cultural heritage in forms which correspond to the accepted customs and traditions, i.e. improve the law by means of continuous reiteration, as preservation of folklore is directly associated with its reproduction or performance in variable stylistic forms. It is apparent that absolute requirement of non-admission of folklore changes or variations, absence of some legally permissible chances of its revision, and adaptation could create unconquerable obstacles on the path to its natural evolution and it would be inapplicable in cases when folklore is a part of daily life.

Likewise, the Law stipulates the cases when requirements of relevant use are not mandatory. This covers situations applied for educational purposes, “borrowing” folklore expressions to illustrate the original author’s work. In addition, there are some exceptional cases such as latest news summary or some “incidental” use of folklore expressions which are objects of permanent disposition in public place. The Law has special stipulations regarding other prejudicial actions (causing damage). Thus, protection and defence of “original’s” name of folklore expressions is provided. Exceptions, stipulated by the Law, are use of folklore expressions to create original author’s works and their “incidental” usage.

The Law states potential infringements to use of folklore expressions. These are cases of illegal use of folklore expressions. Absence of the proper indication of the source and place of folklore derivation are also considered as violation of the law. Finally, any use that distorts work and directly or indirectly damages cultural interests of the nation is

deemed as violation. The term distortion covers any distortion or any other action damaging work of national art, published, reproduced, distributed, performed, or brought to public audience by any other means. All forms of violation have a place whether they are premeditated or due to imprudence but imply various punitive sanction and thus, nature of correspondent law infringements are accounted.

The Law stipulates civil, administrative, and criminal liability for illegal use and other actions, which cause damage to folklore expressions. This implies that in case of evaluation of violation as a crime, it is necessary to envisage the Criminal Code sanctions similar to those provided with the reference to infringement of copyright and adjourning rights. Similar amendments should be introduced into Code of Administrative Offence as well. Thus, the main sanction provided should be penalties and imprisonment. Type of sanction to be applied or any other sanctions will depend on the nature of infringement, significance of protected interests, and precedents applicable in the country regarding similar infringements. The Law emphasizes that application of sanctions does not exclude civil liability. When applying tools of civil and legal protection, the Law stipulates the use of general civil compensation funds against damage caused, withdrawal of the acquired income of an infringer, or imposition of indemnity in the amount between 100 and 50 thousands conventional units, specified by the Law provisions. Possibility of confiscation of counterfeit copies published with violation of the given Law is also envisaged, specified by the legislation.

It should be noted that some part of folklore expressions can be reserved within the framework of copyright legislation and by means of adjourning rights as well. This indirect protection is explained by the fact that folklore expressions are used and consequently come within copyright of performers. The same can be referred to phonograms' and broadcasting programmes copyright.

Though Rome Convention (1961) does not stipulate performer's copyright which apply folklore expressions, it refers only to performance of works. Nevertheless, Agreement of World Organisation of Intellectual Property on "Phonograms and performance" stipulates possibility of international protection of folklore expressions through performance. This is extremely important because under existing conditions of the Armenian traditions of deprivation of our traditions and their further appropriation and due to the absence of international tools - agreement on protection of folklore expressions – we cannot neglect any indirect international tool of protection. It also should be noted that WOIP within the framework of Intergovernmental Committee on intellectual property, genetic resources, traditional knowledge and folklore carried on an intensive dialogue with all countries regarding International Agreement on "Protection of folklore expressions against illegal use and other prejudicial actions".

Protection of folklore against its illegal use plays an important role for Azerbaijan in the international aspect. Azerbaijan, rich with cultural traditions, brilliant samples of folklore

works since ancient times, for two last centuries has been exposed by neighbouring Armenia to cultural expropriation. Unfair use of Azerbaijan folklore and author's works is accompanied by facts of intellectual theft and fraudulent misrepresentations. "Traditions" of such cultural appropriation of Azerbaijan folklore obtained their strategic outline in the 19th century. Intellectual piracy was targeted to bring to international community the most significant works of cultural heritage and historical memory of Azerbaijan as those of the Armenian origin referring to the thesis of the alleged "closeness of cultural traditions" of nations although ethnically different but residing in common geographic area. Firmly established "tradition" on expropriation and appropriation of other nations' traditions encompassed in fact all aspects within the framework of modern classification of folklore. These are the Azerbaijan epos, dastans, our fairy tales and sayings, Azerbaijan music and dances, particularly mugham and ashug works, carpets, music instruments etc. Alongside with direct methods of intellectual piracy leading to distribution of samples of the Azerbaijan cultural heritage under the Armenian aegis, in many cases some proper scientific justification of theft of other cultural heritage is being prepared. In particular, the Azerbaijan literature folklore works, being converted into the Armenian transcriptions as material objects are handed to funds or archives for preservation and further they are extracted as "the ancient Armenian" works and necessarily published in some foreign language. "Studies" dedicated to artificial armenisation of characters of the Azerbaijan folklore works are also published. Also, some "evidence" of the Armenian origin of various works of the Azerbaijan art, which were transferred to the Armenian land, is sought or at least – its invaluable Armenian influence to the development of the Azerbaijan works of art etc is sought to be proved.

Currently, due to aggression of Armenia against Azerbaijan alongside with destruction of our material cultural heritage at the occupied territories, the intellectual piracy and theft of the Azerbaijan non-material cultural heritage aggravated. We have at our disposal hundreds of examples of similar intellectual aggression, dozens of tapes and CDs with the Azerbaijan music, dances, and ritual compositions presented as the "Armenian music", "Armenian dances", and in best case performed by the Armenian performers and distributed by false studios at markets of different countries of the world. In some cases when some objects of our cultural heritage cannot be "armenized", then no source of origin is indicated when used, or deliberately derivation of object of cultural property of our nation is indicated incorrectly leading into error.

Under conditions of increased attention of the international community to issues of protection and preservation of folklore and absence of the international instrument to be applied in this area which would regulate relations, the Armenian side by all means hastens to register and distribute genres of folklore art, customs and traditions and the whole cultural heritage of Azerbaijan as their own.

The existing specific situation around the Azerbaijan folklore works cause concern and fair indignation of the Azerbaijan nation. To put an end to illegal claims to our cultural heritage, the Republic of Azerbaijan looks for fastest adoption of international tools, which regulate protection and preservation of folklore.

Azerbaijan is very pleased to note that UNESCO and WOIP within the framework of their objectives and authorities carry out work targeted to establish international measures of protection and preservation, which will provide protection of folklore expressions in two directions.

The first direction initiated by WOIP implies development of international agreement on “Protection of folklore expressions against illegal use and other prejudicial actions”. Presently discussions of draft agreement are held and its adoption is expected at the diplomatic Conference of WOIP. Azerbaijan is very interested in development of works related to draft agreement, which will be managed by WOIP and is ready to provide support to WOIP in preparation of the agreements and has already submitted its proposals to the Permanent Committee.

The second direction initiated by UNESCO implies provision of maintenance, collection, systemization, identification, tracking, archiving, establishment of archives and folklore museums etc.

The International Convention on “Preservation of non-material cultural heritage”, adopted in 2003 by UNESCO will play a significant role in implementation of set of measures targeted to preservation of non-material cultural heritage. The Azerbaijani experts are actively involved in preparation of the abovementioned Convention.

The Republic of Azerbaijan expresses its readiness to continue its active involvement in preparation, discussion, and speedy adoption of the International agreement on “Protection of folklore expressions against illegal use and other prejudicial actions”. Establishment of legislation basis since the Law on “Legal protection of expressions of the Azerbaijan folklore” came into force will play its important role in joining Azerbaijan to the International document. Adoption of the International agreement on “Protection of folklore expressions against illegal use and other prejudicial actions” and entry into force will provide protection of folklore expressions and stop appropriation and theft of the ancient cultural heritage and rich folklore of Azerbaijan by neighboring Armenia.
