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

**Second periodic reports submitted by States parties
under articles 16 and 17 of the Covenant**

Addendum

AZERBAIJAN*

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[6 May 2003]

* The initial report submitted by the Government of Azerbaijan (E/1990/5/Add.30) was considered by the Committee on Economic, Social and Cultural Rights at its seventeenth session in 1997 (see E/C.12/1997/SR.39-41) and concluding observations (E/C.12/1/Add.20).

The information submitted by Azerbaijan in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.117).

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I. INTRODUCTION

1. On 22 June 2002, the President of the Republic of Azerbaijan issued Order No. 953 on the drafting and submission to the United Nations Secretary-General of the second periodic report of the Republic of Azerbaijan on the International Covenant on Economic, Social and Cultural Rights as adopted by the United Nations General Assembly in its resolution 2200 A (XXI) of 16 December 1966. Pursuant to the presidential Order, a working group was set up comprising representatives of the Ministries of Foreign Affairs; Internal Affairs; Justice; Health; Culture; Education; Youth, Sport and Tourism; Labour and Social Protection; Economic Development; and Finance, as well as representatives of the State Statistical Committee, the State Committee for Land and Cartography, and the Copyright Agency.

II. GENERAL PRINCIPLES

2. The first part of the report required of Azerbaijan under various international instruments, including the International Covenant on Economic, Social and Cultural Rights, can be found in the country's core document (HRI/CORE/1/Add.117), which forms an integral part of the present report.

A. Article 1

3. Article 1 of the Constitution of the Republic of Azerbaijan provides that the people of Azerbaijan are the sole source of power in the Republic.

4. Pursuant to article 2 of the Constitution, the people of Azerbaijan have the sovereign right freely and independently to decide their own fate and to determine their own form of government and that they exercise that sovereign right through nationwide referendums and through representatives elected on the basis of universal, equal and direct suffrage in free, secret and personal ballots.

5. Article 6 of the Constitution provides that no part of the people of Azerbaijan, no social group or organization and no individual may usurp authority to exercise power. Such usurpation is the most serious crime against the people.

6. Article 10 of the Constitution provides that the Republic of Azerbaijan shall found its relations with other States on the principles provided for in generally recognized rules of international law.

7. Article 16 of the Constitutional Act concerning the State independence of the Azerbaijani Republic reads: "The Azerbaijani Republic, in accordance with the generally recognized rules of international law, bases its relations with other States on the principles of the sovereign equality of States, abstention from the use of force or the threat of force, the inviolability of State frontiers, the settlement of disputes by peaceful means, non-interference in the domestic affairs of other States, respect for human rights and fundamental freedoms, the equality of peoples and their right to self-determination, cooperation between States and the conscientious fulfilment of international legal obligations."

8. Bearing in mind some States parties' special approach to the question of self-determination as graphically illustrated by the information on article 1 contained in their reports, particularly the initial report of Armenia on implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add. 36), the Government of the Republic of Azerbaijan draws attention to the frequent attempts to justify foreign armed intervention, aggression and occupation as being in pursuit of the right to self-determination and of a national liberation struggle. In point of fact, as reference to the rules of international law will show, such unjustifiable acts result in the trampling underfoot of the right to self-determination and other human rights in various parts of the world.

9. Article 1, paragraph 2, of the Charter of the United Nations states that it is among the purposes of United Nations to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples. In Article 55 of the Charter, that principle is seen as the basis for international economic and social cooperation.

10. The principle of self-determination was amplified with the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV) of 14 December 1960), according to article 2 of which "All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development". Article 6 of the Declaration provides: "Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations."

11. On 16 December 1966, the General Assembly adopted two international covenants - the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Article 1 of the latter instrument provides: "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

12. The adoption by the General Assembly on 24 October 1970, in its resolution 2625 (XXV), of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations was a further important step in the elaboration of the principle of the right of self-determination. It is stated, in the section of that Declaration devoted to the principle of equal rights and self-determination of peoples, that "all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter". Furthermore, the seventh paragraph of that section contains a requirement for every State to refrain from any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

13. The Vienna Declaration and Programme of Action adopted on 25 June 1993 by the World Conference on Human Rights reaffirms that all peoples have the right of self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development. As such, it in essence repeats the earlier sources of international law on this matter. However, in the second paragraph of its article 2, the Declaration makes quite an important contribution to the debate on the extremely complex and

contradictory question who enjoys the right of self-determination. "Taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation, the World Conference on Human Rights recognizes the right of peoples to take any legitimate action, in accordance with the Charter of United Nations, to realize their inalienable right of self-determination. The World Conference on Human Rights considers the denial of the right of self-determination as a violation of human rights and underlines the importance of the effective realization of this right."

14. The third paragraph of the same article repeats an important restriction from the Declaration on Principles of International Law to the effect that the right of self-determination shall not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples and thus possessed of a Government representing the whole people belonging to the territory without distinction of any kind.

15. Hence, according to the Vienna Declaration (the Vienna Declaration and Programme of Action), a "people" having the right of self-determination is any population living in a non-self-governing or occupied territory. That is to say that, in this context, the word "people" denotes a "demos" and not distinct ethnic groups. Moreover, sovereign States must have "a Government representing the whole people belonging to the territory without distinction of any kind".

16. The principle of self-determination of peoples is also touched on in documents of the Conference on Security and Cooperation in Europe/Organization for Security and Cooperation in Europe. For example, the Helsinki Final Act of 1975 states as follows:

"The participating States will respect the equal rights of peoples and their right to self-determination, acting at all times in conformity with the purposes and principles of the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States.

"By virtue of the principle of equal rights and self-determination of peoples, all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development.

"The participating States reaffirm the universal significance of respect for and effective exercise of equal rights and the self-determination of peoples for the development of the friendly relations among themselves as among all States; they also recall the importance of the elimination of any form of violation of this principle."

17. However, in later documents the participating States, taking into account the altered international situation and the presence of armed conflicts in their own territories, place more emphasis on setting out the principle of self-determination on respect for the territorial integrity of States. That approach is clearly apparent in the 1990 Paris Charter for a New Europe and in the following year's Document of the Moscow Meeting of the Conference on the Human Dimension. The Paris Charter states: "We reaffirm the equal rights of peoples and their right to

self-determination in conformity with the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States”. In the Document of the Moscow Meeting, the participating States “underlined that, in accordance with the Final Act of the Conference on Security and Cooperation in Europe and the Charter of Paris for a New Europe, the equal rights of peoples and their right to self-determination are to be respected in conformity with the Charter of United Nations and the relevant norms of international law, including those relating to territorial integrity of States.”

18. Hence, with the exception of two cases: non self-governing territories and territories under illegal occupation as defined by the United Nations, the right of self-determination does not include the unilateral right to independence or secession. At the same time, international law clearly limits the rights of persons belonging to minorities and the right of peoples to self-determination.

19. The United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities was adopted in 1992. Article 8, paragraph 4, of that Declaration stresses that “nothing in the ... Declaration may be construed as permitting any activity contrary to the purposes and principles of the United Nations, including sovereign equality, territorial integrity and political independence of States”.

20. It is very clearly stated in the Commentary to that Declaration prepared by the Chairperson of the Working Group on Minorities of the Sub-Commission on the Promotion and Protection of Human Rights that “the rights of persons belonging to minorities are different from the rights of peoples to self-determination, and minority rights cannot serve as a basis for claims of secession or dismemberment of a State” (E/CN.4/Sub.2/AC.5/2001/2, para. 84).

21. Minorities’ obligations to the State and society are also discussed in the Council of Europe’s 1995 Framework Convention for the Protection of National Minorities. For example, article 20 of that instrument provides that “in the exercise of the rights and freedoms flowing from the principles enshrined in the present framework Convention, any person belonging to a national minority shall respect the national legislation and the rights of others, in particular those of persons belonging to the majority or to other national minorities”.

22. Article 21 of the same instrument reads: “Nothing in the present framework Convention shall be interpreted as implying any right to engage in any activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States.”

23. The question of the dividing line between the rights of persons belonging to minorities and the right of peoples to self-determination is reflected in general comment No. 23 adopted by the Human Rights Committee in 1994. The Committee commented in particular that “in some communications submitted to the Committee under the Optional Protocol, the right protected under article 27 has been confused with the right of peoples to self-determination proclaimed in article 1 of the Covenant”. It stressed in this connection that “the Covenant draws a distinction between the right to self-determination and the rights protected under article 27. The former is expressed to be a right belonging to peoples and is dealt with in a separate part (Part I) of the

Covenant. Self-determination is not a right cognizable under the Optional Protocol. Article 27, on the other hand, relates to rights conferred on individuals as such and is included, like the articles relating to other personal rights conferred on individuals, in Part III of the Covenant and is cognizable under the Optional Protocol”.

24. The Committee on the Elimination of Racial Discrimination has also concerned itself with the question of the dividing line. In the Committee’s opinion, “in respect of the self-determination of peoples two aspects have to be distinguished. The right to self-determination of peoples has an internal aspect, that is to say, the rights of all peoples to pursue freely their economic, social and cultural development without outside interference. In that respect there exists a link with the right of every citizen to take part in the conduct of public affairs at any level, as referred to in article 5 (c) of the International Convention on the Elimination of All Forms of Racial Discrimination. In consequence, Governments are to represent the whole population without distinction as to race, colour, descent or national or ethnic origin. The external aspect of self-determination implies that all peoples have the right to determine freely their political status and their place in the international community based upon the principle of equal rights and exemplified by the liberation of peoples from colonialism and by the prohibition to subject peoples to alien subjugation, domination and exploitation” (general recommendation XXI (1996), para. 4).

25. In addition, the Committee reaffirmed that “international law has not recognized a general right of peoples unilaterally to declare secession from a State” (ibid., para. 6).

26. Given the above, it is entirely natural to conclude that conflict resolution must be based, above all, on the restoration of and strict respect for the territorial integrity of States and the preservation and fostering of the way of life of minorities living within its territory. The solution to the problem of minorities cannot and must not be the creation for each ethnic group of its own “cleansed” State or semi-State. To prevent this threat, it is important not to dismember but to consolidate States and to strengthen the influence of international institutions in the comprehensive protection and promotion of human rights.

B. Article 2

27. Article 25 of the Constitution of the Republic of Azerbaijan provides that everyone is equal before the law and the courts and that men and women have equal rights and freedoms. It further provides that the State shall guarantee equal rights and freedoms to everyone, irrespective of race, nationality, religion, language, sex, origin, property status, professional position, beliefs or membership of political parties, trade unions or other voluntary associations, and it prohibits the limitation of human and citizens’ rights and freedoms on grounds of race, nationality, religion, language, sex, origin, beliefs, or political or social affiliation.

28. Article 69 of the Constitution states that, unless otherwise provided by law or by an international treaty to which Azerbaijan is a party, aliens and stateless persons present in the Republic of Azerbaijan may enjoy all rights and must fulfil all obligations equally with citizens of the country. The rights and freedoms of aliens and stateless persons permanently resident or temporarily present within the territory of Azerbaijan may only be limited in accordance with the rules of international law and the laws of the Republic of Azerbaijan.

29. The Legal Status of Aliens and Stateless Persons Act was adopted on 13 March 1996, pursuant to the Constitution. The Act governs social relations pertaining to the legal status in the Republic of Azerbaijan of foreign citizens and stateless persons.

30. Article 11 of the Act provides that with respect to labour relations aliens and stateless persons enjoy the same rights and have the same obligations as citizens of the Republic of Azerbaijan unless Azerbaijani law or international treaties to which Azerbaijan is a party provide otherwise. Aliens and stateless persons present in Azerbaijan to work for a specified period of time may undertake employment as prescribed. Aliens and stateless persons may not be appointed to particular positions or engage in particular types of activity if such appointment or activity is tied to citizenship of the Republic.

31. Pursuant to article 19 of the Act, aliens and stateless persons permanently resident in Azerbaijan have an equal entitlement with citizens of the country to education. For other aliens and stateless persons education is fee-paying, unless Azerbaijani law or international treaties to which Azerbaijan is a party provide otherwise.

32. Pursuant to article 20 of the Act, aliens and stateless persons permanently resident in Azerbaijan have an equal entitlement with Azerbaijani citizens to join voluntary associations, unless Azerbaijani law or international treaties to which Azerbaijan is a party provide otherwise.

33. Article 1 of the Trade Unions Act of 24 February 1994 provides that trade unions are independent, non-political social organizations that are formed voluntarily, on the principle of individual membership of workers active in the productive or non-productive spheres and of pensioners and persons in education, for the purposes of protecting their members' labour, social and economic rights and lawful interests at their places of work, in their professions or sectors or nationally and that act on the basis of their own statutes and of the Trade Unions Act. The term "worker" is defined in the fifth paragraph of this article as meaning a citizen of the Republic of Azerbaijan, a stateless person or a foreign citizen who is working on the basis of a labour agreement (contract) in any kind of economic entity however owned in a trade, speciality or profession appropriate to that entity.

34. Article 8, paragraph 3, of the Non-governmental Organizations (Voluntary Associations and Funds) Act provides that aliens and stateless persons may belong equally with citizens of Azerbaijan to non-governmental organizations operating in Azerbaijan.

35. Pursuant to article 12 of the Social Insurance Act of 18 February 1997, aliens are, in accordance with inter-State agreements, covered by Azerbaijan's compulsory State social insurance scheme. Article 22 of this Act provides that citizens of Azerbaijan, stateless persons and aliens have a right to voluntary (supplementary) social insurance.

36. Pursuant to article 10 of the Public Health Act of 26 June 1997, aliens are entitled to health care in accordance with the rules provided for in international agreements to which Azerbaijan is a party.

37. Article 4 of the Labour Migration Act of 28 October 1999 provides that any able-bodied alien who is aged 18 years or more may enter the Republic of Azerbaijan in order to engage in paid work. The basic conditions for the performance by aliens of paid work are the existence of jobs for which no citizen of Azerbaijan with relevant professional training or skills is in contention and the inability of the employment services to meet the employer's requirements from the pool of local unemployed people.

38. Pursuant to article 6 of the Act, aliens are permitted to work in Azerbaijan once they have received an individual permit to engage in paid work. To obtain such permits, they must apply to the Ministry of Labour and Social Protection through their potential employer, who may be a legal or a physical person.

39. Article 11 of the Act provides for the application of a labour migration quota in order to regulate labour migration by aliens. This quota is an integral part of the immigration quota and it is set and applied in the context of the fixing and application of the immigration quota.

40. Pursuant to article 13 of the Labour Code of 1 February 1999, aliens and stateless persons may, unless the law or international agreements to which Azerbaijan is a party otherwise provide, enjoy all labour rights equally with citizens of Azerbaijan and have obligations in keeping with those rights. Except in the cases provided for by law, restriction of the labour rights recognized to aliens and stateless persons pursuant to the Labour Code and other laws and regulations is prohibited. The creation for aliens and stateless citizens of rights in the field of labour relations that are more favourable than those of citizens of Azerbaijan is also prohibited.

III. INFORMATION ON INDIVIDUAL ARTICLES OF THE COVENANT

A. Article 6

41. Pursuant to article 35, paragraph II, of the Constitution, everyone has the right freely to choose their type of activity, profession, occupation and place of work on the basis of their aptitude for work.

42. According to article 25, paragraphs I and III, of the Constitution, everyone is equal before the law and the courts; the State must guarantee equal rights and freedoms to everyone, irrespective of race, nationality, religion, language, sex, origin, property status, professional position, beliefs or membership of political parties, trade unions or other voluntary associations, and limitation of human and citizens' rights and freedoms on grounds of race, nationality, religion, language, sex, origin, beliefs, or political or social affiliation is prohibited.

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

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

45. As indicated above, by virtue of article 13, section II, of the Labour Code, restriction of the labour rights recognized to aliens and stateless persons pursuant to the Labour Code and other laws and regulations is prohibited, except in the cases provided for by law.

46. Pursuant to article 16 of the Labour Code, all discrimination against workers on grounds of citizenship, sex, race, faith, nationality, language, place of residence, property status, social origin, age, family status, beliefs, political views, membership of trade unions or other voluntary associations, professional position or other factors unconnected with professional qualities or skills or the results of work is, like the creation of advantages or privileges directly or indirectly based on these factors and the restriction of workers' rights, prohibited. The establishment in labour relations of privileges, advantages and supplementary guarantees for women, the disabled, persons below the age of 18 or other persons in need of social protection is not considered discrimination. Employers or other physical persons who commit discrimination of the kinds referred to in the article may be held liable as provided for by law. Workers who are the victims of discrimination may appeal to the courts for the restoration of the infringed rights.

47. The Republic of Azerbaijan has been a member of the International Labour Organization (ILO) since 1992 and has ratified more than 50 ILO Conventions, including Conventions No. 122 (Employment Policy Convention) and No. 111 (Discrimination (Employment and Occupation) Convention). The Azerbaijani Government's latest reports on measures to give effect to Convention No. 122 in the period 1 June 1999-31 May 2000 and to Convention No. 111 in the period 1 July 2000-31 May 2001 were submitted to ILO in July 2000 and July 2001, respectively.

48. In the year 2000, the economically active population of Azerbaijan numbered 3,748,200. In the same year, the number of people in employment was 3,704,500.

49. Over the past few years, employment in the State sector has, owing to a wide range of factors connected with the structural changes in the economy, declined in proportional terms. State sector employees accounted for 70.7 per cent of all persons in employment in 1990, but 56.1 per cent in 1995 and 34.5 per cent in 2000. The decline affected most sectors of material production, especially manufacturing, construction and transport.

50. Simultaneously with this, employment in the non-State sector has risen. In 1990, there were 1,084,500 people in non-State employment, but in 1995 there were 1,585,800 and in the year 2000 a total of 2,426,300.

51. Employment has always been one of Azerbaijan's main social problems. Unemployment was officially recognized in 1991, following the adoption of the Employment Act and the consequent establishment of the State Employment Service. A total of 1,207,700 people sought help from this service in the period from October 1991 to December 2001. Over the same period

the Service found jobs for 202,100 people, while 76,900 people were registered as unemployed, 87,200 people were awarded unemployment benefits, 17,400 people underwent vocational training in courses organized by the Service, and 24,800 people were employed in paid community-service work.

52. In 2001, the Employment Service registered 34,300 people as unemployed; jobs were found for 55.6 per cent of them, or 19,100 people. During the same year, 3,000 people were employed in community-service work; 1,500 people followed courses organized by the Service and jobs were found for 72.2 per cent of them.

53. As in previous years, female and youth employment remains a particular problem. In 2001, women and young people accounted for 42.9 per cent and 38.8 per cent respectively of all job seekers.

54. Also in 2001, 589 pensioners and 354 disabled persons sought employment through the Service. Jobs were found for 241 and 135 of them respectively.

55. At the end of 2001, the number of people officially recognized as unemployed stood at 48,400. The total included 26,600 women, 20,800 people below the age of 30, 19,700 refugees and internally displaced persons (forcibly displaced persons), 1,526 people of pre-retirement age and 14,900 people from rural areas.

56. In 2000, the level of unemployment (the number of persons having unemployed status in proportion to the size of the economically active population) stood at 1.2 per cent. Among women, the unemployment level was 1.3 per cent, as against 1.02 per cent in 1995; it was thus higher than among men.

57. In addition, people are remaining unemployed for longer. In 1995, 38.3 per cent of unemployed women who found work had had unemployed status for more than a year; in 2000, the corresponding figure was sharply higher, at 69.6 per cent. Over the same period, the corresponding figure for men rose from 41.8 to 50.6 per cent.

58. It must be said that there is quite a gap between the number of people officially recognized as unemployed and the number of unemployed persons on the labour market. This is borne out by the fact that the 1999 population census showed 519,000 economically active people of working age to be out of work. At the same time, it cannot categorically be said that people in question are really unemployed, since most of them belong to the self-employed category and therefore perform, and derive income from unregistered work.

59. Nonetheless, the imbalance between labour demand and supply holds back job placement. Analysis of the labour market situation in 2001 reveals that demand (number of persons needed to fill the vacant jobs) stood at 4,800, or three times below the level of 1991. Moreover, half of the available vacancies were in sectors where the average wage is below the national mean wage.

60. The employment problem is becoming increasingly acute for refugees and internally displaced persons (forcibly displaced persons). Despite the efforts that have been made, a large proportion of these persons remain without work. The difficulty of finding them work is compounded by their low mobility and skill levels, the shortage of jobs for which they have a suitable background and a lack of money to create new jobs. In 2001, the Employment Service registered 5,400 forcibly displaced persons as being in search of work; work was found for 1,700 of them, or 31.5 per cent of the total; 3,000 people were granted unemployed status, 425 people underwent training and 809 were given paid community-service work.

61. The problem of rural unemployment is no less acute. In 2001, one in five job seekers came from rural areas.

62. In 2001, thanks to the application of a jobs quota system, work was found for 1,288 members of the most vulnerable sections of society. Of the total, 557 persons (43.2 per cent) were young, 135 (10.5 per cent) were disabled, 59 (4.6 per cent) were of pre-retirement age and 309 (24.0 per cent) were refugees or internally displaced persons (forcibly displaced persons). The value of this method of job placement is that it enables work to be found for people who, because of their age, family situation, physical condition or other considerations, are the least well protected from the effects of market competition.

63. Although the quota system is embodied in pertinent legislative acts, the statistics show that the number of people gaining employment as a result of the system is diminishing. In 2001, the target set for the number of jobs to be filled through the system was 2,158, but only 1,288 people, or 59.7 per cent of that figure, were actually found work. In 1995, the quota system produced jobs for 1,445 people.

64. In February 2001, pursuant to article 12 of the Employment Act, the Cabinet of Ministers of the Republic of Azerbaijan designated the priority regions for the development of employment. Particular efforts will be made to promote job creation in those regions. Preparation of the legislative base for the provision of financial support and tax privileges to employers who create jobs and social infrastructure facilities in those regions is now in hand.

65. With a view to providing work for every able-bodied citizen, steps are being taken to develop small and medium-sized businesses and to encourage foreign investment both in the oil sector and in other branches of the economy. Under its territorial programmes, the State Employment Service is actively engaged in promoting employment through measures such as jobs fairs, the establishment of labour exchanges in major cities and the creation of jobs through the founding of enterprises under its own control, particularly in places where there are heavy concentrations of refugees and internally displaced persons (forcibly displaced persons).

66. During the period 1997-2001, 27,000 job seekers found work through jobs fairs. Over 2,000 people were provided with jobs at 120 enterprises and farms created with the help of the State Employment Service's employment promotion fund.

67. The restructuring of the economy, the closing of obsolete factories and the introduction of new technology are among the main ways of increasing labour productivity. The figures show that the country is consistently replacing fixed assets and introducing new plant and technology.

68. The high wages in such expanding sectors as oil extraction, oil refining and construction are an indication that productivity is rising. Wages in these sectors are significantly above the national average.

69. Article 35 of the Constitution provides that everyone has the right freely to choose their kind of activity, their profession or occupation and their place of work in accordance with their ability to work.

70. In addition to the vocational training that citizens receive within the educational system, the State guarantees citizens who are seeking work or unemployed free vocational training through courses organized by the State Employment Service. Such courses are arranged in the light of the real requirements of employers in fields in which there is a labour shortage. Through the flexible, short programmes, students receive instruction in modern professions and specializations. Job placement for students is under the special control of the State Employment Service and, as a result, 77.2 per cent of all people who completed such courses in 2001 found work.

71. The State Employment Service takes particular pains to determine the vocational interests and abilities of the unemployed, especially the young, and of senior students at secondary general education schools. It helps them to choose a profession in the light of their abilities and of the real demand on the labour market.

72. To further this work, the Central Employment Directorate has set up a Help Centre equipped with computers, video display devices and other visual aids. In 2001 alone, over a thousand senior students from Baku secondary schools and hundreds of unemployed persons received career advice from the Centre.

73. To determine job seekers' vocational skills, physical and mental capacity and their emotional preparedness for work, the Centre makes extensive use of special test programmes, teaching aids, video films and so on. It also provides wide-ranging information on general and specialized types of work for which there is a demand from employers and on-job openings in these fields.

74. At the Centre, young people can get information on vocational technical schools, on secondary specialized and tertiary educational establishments and on a variety of occupations. There are, however, problems in providing vocational training and guidance in areas remote from urban centres. Because of a lack of regional career guidance and training centres, it is not easy to equip unemployed people in rural areas for the needs of the modern labour market.

75. The country's macroeconomic and political stability has led to an increase in inward investment, particularly in the oil sector. The expansion of oil industry infrastructure is particularly noticeable in Baku and the surrounding area. On the other hand, inadequate economic development in rural areas has led to a rise in labour migration into the cities. This is the main obstacle to the resolution of the employment problem in the countryside. In addition, relatively few of the refugees and internally displaced persons (forcibly displaced persons) within the country are currently employable and they cannot find work because of the shortage of suitable jobs.

76. With a view to improving the situation of refugees and internally displaced persons (forcibly displaced persons), presidential Order No. 395/895 of 17 September 1998 formally approved the State programme to address the problems of refugees and forcibly displaced persons. This programme provides for measures to improve medical, education and employment services, living conditions and social protection for refugees and forcibly displaced persons.

77. State programmes on regional development, investment growth and poverty reduction are currently being drawn up. They focus primarily on improving access to productive employment, especially in rural areas.

78. The State guarantees every citizen free vocational guidance and training, as well as retraining and skills enhancement.

79. The Government of the Republic of Azerbaijan is cooperating actively with international organizations, including in particular the European Union (within the framework of the TACIS programme), ILO and the United Nations Development Programme (UNDP). Technical cooperation programmes together with these organizations have led to the restructuring, modernization and computerization of the country's employment service, the retraining of senior officials, the adoption of measures in support of self-employment, and the development of farms as a source of employment for refugees and internally displaced persons (forcibly displaced persons). Work has also been done under the programmes on improving Azerbaijani labour and employment law and bringing it into line with international norms.

B. Article 7

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

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

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

83. Article 155 of the Labour Code provides that employees are, without discrimination, entitled to receive for their work wages no lower than the minimum wage set by the State. It defines that minimum wage as a social norm establishing in law, in the light of economic and social conditions, the lowest monthly wage payable for unskilled labour or services. Employees who, in the course of a month, have performed their duties for the specified period of time may not be paid less than the minimum wage set by the State. Collective agreements and contracts

may provide for minimum wage levels above the State minimum. The minimum wage does not include bonuses, wage supplements, wage increases provided for in the wage system or overtime payments. The national minimum wage is set by the President of the Republic of Azerbaijan.

84. Every year, the Confederation of Trade Unions of Azerbaijan and the Cabinet of Ministers of the Republic conclude a general collective agreement (the General Collective Agreement for 2001-2002 was concluded with the participation of a third social partner, the Entrepreneurs' (Employers') Confederation of Azerbaijan). This agreement provides for the gradual alignment of the minimum wage with the standard market basket, and work is undertaken to achieve that goal.

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

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

87. The analysis is forwarded to the Cabinet of Ministers by the Ministry of Labour and Social Protection, the Finance Ministry, the Ministry of Economic Development and the State Fund for Social Protection of the Population. Consultations are held with trade unions and employers. The Cabinet of Ministers then forwards proposals to the Executive Office of the President of the Republic.

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

Table 1
Average monthly wage, 1993-2001

Year	Manat	US dollars
1993	2 184.7	23.5
1994	15 325.3	12.7
1995	62 467.4	14.2
1996	89 370.1	20.8
1997	141 643.4	35.5
1998	168 419.2	43.5
1999	184 367.5	44.7
2000	221 606.0	49.5
2001	259 953.0	55.8

Table 2
Minimum wage

	Manat	US dollars
From 1 January 1993	300	4.0
From 1 July 1993	500	4.7
From 15 November 1993	900	4.3
From 1 June 1994	2 000	1.8
From 15 October 1994	4 000	1.2
From 1 February 1995	5 500	1.3
From 1 January 2001	27 500	5.9

89. The minimum wage system is monitored by means of collective contracts (agreements) concluded between trade unions and employers at the enterprise, branch and national levels as well as by the State Labour Inspectorate.

90. Article 156 of the Labour Code provides that wages paid to employees shall not be smaller than the amounts set in their individual contracts or than the amount defined in a collective contract as the standard wage for their job.

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

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

93. Pursuant to article 35, paragraph VI, of the Constitution, everyone is entitled to work in safe and healthy conditions and to receive for their work without any discrimination remuneration that is not less than the minimum wage set by the State. Paragraph VII of the same article provides for social assistance from the State for unemployed persons.

94. Presidential Decree No. 275, of 6 February 1995, entitled “On Strengthening Social Protection of the Population in the Azerbaijani Republic”, set the national minimum wage at 5,500 manat (US\$ 1.3). Presidential Decree No. 418, of 28 October 2000, entitled “On Raising the Minimum Monthly Wage”, set the minimum wage at 27,500 manat (US\$ 6.0).

95. The principle of equal pay for work of equal value is guaranteed in Azerbaijan by means of the above-mentioned article 35 of the Constitution.

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

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

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

99. Employees’ job descriptions are determined on the basis of the *Unified Rates and Qualifications Handbook* as approved by the Ministry of Labour and Social Protection or the employer. The Handbook contains descriptions of the work to be done in given occupations or posts and of the knowledge and level of education required to do it. It is used in determining what relationship an employee’s remuneration should bear to his/her qualifications and to the difficulty of the work to be performed. The higher the qualifications, the higher the wage.

100. Pursuant to article 35, paragraph VI, of the Constitution, everyone is entitled to work in safe and healthy conditions.

101. Article 208 of the Labour Code provides that occupational safety standards and regulations defined by the Code and other regulations must be applied at all workplaces of the following persons:

- (a) Employees;
- (b) Tertiary- and secondary-level students gaining work experience;
- (c) Convicted persons working in penal institutions;
- (d) Persons involved in clean-up operations after natural disasters, military conflict or states of emergency.

102. The Technical Safety Act of 2 November 1999, the Hygiene and Disease Control Act of 10 November 1992 and the Tuberculosis Control Act of 2 May 2000 lay down minimum conditions with respect to health and safety at work.

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

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

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

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

106. Pursuant to article 216 of the Labour Code, employees' obligations regarding occupational health and safety include:

- (a) Study, learning and observance of the safety, health and fire prevention requirements laid down in the relevant rules and regulations;
- (b) Performance of their jobs in such a way as not to endanger themselves or other employees and refraining from working without direct permission at installations or on machine tools where there is an explosion hazard or other risk to life;
- (c) Wearing of the special equipment and footwear issued to them and use of the personal and collective protection devices specified in process documentation or safety standards, rules or instructions;
- (d) Immediate notification to the employer's representatives of all breaches of health or safety rules and of breakdowns and accidents;
- (e) Periodic improvement of their knowledge of health and safety standards and rules;
- (f) Compliance with the orders, advice or recommendations of their employer or supervisor or health and safety specialists.

107. Article 223 of the Labour Code requires enterprises in all sectors of the economy to establish health and safety units to manage health and safety arrangements and to monitor employees' compliance with the relevant legislation. These units must include specialists in labour law and occupational health and safety standards. Enterprises with more than 1,000 employees must have an industrial hygiene laboratory and a post for an occupational health doctor. The specialists members of the health and safety units are entitled to monitor compliance with occupational health and safety rules and standards, to issue managers with mandatory instructions for correcting any breaches they discover and to make recommendations to the employer for disciplinary action against violators of health and safety law. They may not be required to perform work unrelated to their official functions. They may be held accountable as provided for by law for incorrect or poor performance of those functions. Employers may not restructure or close their health and safety units without the consent of the body responsible for State monitoring of compliance with labour law.

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

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

whose health is impaired and the payments to the family and other dependants of employees who die as a result of an industrial accident or occupational disease for which an employer is responsible must be made in the manner laid down in law. The procedure and conditions for, and amounts of, those payments are set out in rules approved by the Cabinet of Ministers. The entitlement to such payments does not extend to employees or the dependants of employees who have or had through their employer legal compulsory personal insurance. When such employees' health is impaired by reason of their working conditions or of the infringement of health and safety rules, they and their families are paid compensation according to the procedure and in the amounts stipulated in the relevant insurance contract.

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

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

112. Pursuant to article 313 of the Labour Code, anyone who, by socially dangerous action, seriously infringes legally established health and safety rules or employees' or employers' rights and lawful interests, or who in any other way seriously breaches the requirements of the Labour Code, may be held criminally accountable in the manner and cases provided for in the Criminal Code.

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

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

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

116. Article 103 of the Labour Code requires that employees be given a rest and meal break in the course of the working day (shift). The time and duration of the break shall be as determined by the enterprise's internal rules, the shift schedule or the individual or collective labour agreement. If, because of the nature of working conditions, no time or duration can be set for a break, the employer must make it possible for employees to eat. Employees must have at

least 12 hours' rest between any two successive working days. In the event of shift work, the duration of rest time shall be governed by the shift schedule. Rest and meal breaks are not counted as working time. Employees may use their rest and meal breaks as they see fit.

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

118. Article 105 of the Labour Code provides that public holidays are not considered working days. The following are celebrated as public holidays in the Republic of Azerbaijan:

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

119. Employees may only be required to work on these days in exceptional circumstances provided for in the Labour Code. The dates of the Novruz, Gurban and Ramadan holidays are fixed and announced by the end of January every year by the Cabinet of Ministers. If public holidays and rest days are consecutive, they may, by decision of the Cabinet of Ministers, be interchanged in order to ensure the correct sequence of working and rest days.

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

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

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

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

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

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

126. Article 112 of the Labour Code states that employees are entitled to the following kinds of leave:

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

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

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

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

128. Article 114 of the Labour Code defines basic leave as the leave allowable for the occupation mentioned in the employee's contract. Paragraph 2 of the article sets the minimum period of paid basic leave at 21 calendar days, while paragraph 3 sets it at 30 calendar days for the following categories of employee:

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

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

129. Pursuant to article 115 of the Labour Code, persons who work underground or in hazardous or arduous conditions or whose work involves heightened emotion, excitement or mental or physical stress are entitled to at least six calendar days of additional leave, depending on their working conditions and the nature of their employment. The list of workplaces and occupations giving rise to an entitlement to additional leave is subject to the approval of the Cabinet of Ministers, which also fixes the number of days of leave to be awarded.

130. Article 116 of the Labour Code provides for an entitlement to additional leave depending on the length of time people have been in work:

- From 5 to 10 years' service: 2 calendar days;
- From 10 to 15 years' service: 4 calendar days;
- More than 15 years' service: 6 calendar days.

131. Article 117, paragraph 1, of the Labour Code provides that, however much basic and additional leave they may have on other grounds, women are entitled to two calendar days of additional leave if they have two children aged below 14 years and to five calendar days of additional leave if they have three or more children aged below 14 or a handicapped child aged below 16 years. Paragraph 2 of the article provides that those entitlements also apply to fathers who are bringing up children alone and to adoptive parents. Paragraph 3 provides that entitlements under the article remain valid until the end of the calendar year in which any of the children concerned turns 14, and paragraph 4 that they do not apply to employees of the kinds listed in articles 118-121 of the Code.

132. Article 118 of the Labour Code provides that the following employees are entitled to 56 calendar days of basic leave:

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

(b) Teachers in all disciplines and of all kinds (except sports coaches);

(c) Leaders of children's associations, holders of masters degrees, psychologists, speech therapists, teachers of the deaf;

(d) Educators at teaching establishments (other than boarding schools), instructors in language laboratories, circle leaders, military training instructors for tertiary-level students, physical education instructors;

(e) Employees of social protection agencies and health-care organizations who are directly involved in teaching activities;

(f) Doctors of science working as researchers, project managers, deputy project managers or scientific secretaries in research establishments or the research departments of university-level institutions;

(g) Independent researchers engaged in research authorized by a relevant academic board.

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

(a) Senior staff, educators, music directors and psychologists at children's homes or pre-school teaching establishments;

(b) Managers, methods specialists and instructors at teaching methods centres;

(c) Educators at residential schools;

(d) Sports coaches;

(e) Candidates of science working as researchers, project managers, deputy project managers or scientific secretaries in research establishments or the research departments of university-level institutions.

134. Article 119 of the Labour Code provides that employees under the age of 16 years are entitled to at least 42 calendar days of basic leave and employees between the ages of 16 and 18 to at least 35 calendar days of such leave. Irrespective of the category or duration of their disability, disabled persons who are in employment are entitled to at least 42 calendar days of basic leave.

135. Article 120 of the Labour Code fixes the duration of basic leave for employees recognized as having rendered special service to Azerbaijan.

136. Pursuant to this article, employees who have sustained permanent physical injury in the cause of the freedom, sovereignty or territorial integrity of the Republic of Azerbaijan, National Heroes of Azerbaijan, Heroes of the Soviet Union, and employees awarded the Order of Independence or other State honour in connection with the defence of the sovereignty and territorial integrity of the Republic of Azerbaijan are entitled to at least 46 calendar days of basic leave.

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

138. Article 164 of the Labour Code provides that work on rest days, public holidays and the Day of National Mourning must be paid as follows:

(a) For employees on a time-rate system, at not less than twice the daily rate;

(b) For employees on a piece-work system, at not less than twice the rate per piece;

(c) For employees on a monthly-salary system: if the standard monthly working time is not exceeded, at the monthly rate plus the standard daily rate for the employee's category; if the standard monthly working time is exceeded, at the monthly rate plus at least twice the standard daily rate for the employee's category.

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

139. The Republic of Azerbaijan is a party to the following ILO Conventions: No. 131 (Minimum Wage Fixing Convention, 1970); No. 100 (Equal Remuneration Convention, 1951); No. 14 (Weekly Rest (Industry) Convention, 1921); and No. 106 (Weekly Rest (Commerce and Offices) Convention, 1957). The country's latest report on Convention No. 131 was submitted to ILO in 1997, while the latest reports on the other instruments were submitted in 2000.

C. Article 8

140. Trade unions are defined by articles 1 and 3 of the Trade Unions Act of 24 February 1994 as independent, non-political social organizations that are formed voluntarily, on the principle of individual membership of workers active in the productive or non-productive spheres and of pensioners and persons in education, for the purposes of protecting their members' labour, social and economic rights and lawful interests at their places of work, in their professions or sectors or nationally and that act on the basis of their own statutes and of the Trade Unions Act.

141. Workers, pensioners and persons in education are, without distinction, entitled freely to create trade unions by their own choice and without prior authorization, as well as to join trade unions to protect their personal lawful interests and labour or social and economic rights and to engage in trade union activity.

142. The Trade Unions Act provides that the entitlement to form a trade union and to adopt its charter can be exercised when at least seven persons voluntarily agree to found a trade union for the pursuit of the objectives referred to in article 1 of the Act.

143. Unemployed persons and pensioners who are not working may belong to trade unions as those entities' charters provide.

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

145. Trade unions may voluntarily and independently establish their own primary organizations and vocational, sectoral, national or other territorial groupings.

146. Article 32, paragraph 6, of the Service in the Procuratorial System Act of 29 June 2001 entitles members of the procuratorial service to form trade unions.

147. Pursuant to paragraph 33 of the Regulations on Service in Tax Authorities, as approved in a national act dated 12 June 2001, tax officials are entitled to form trade unions.

148. Pursuant to article 16 of the Trade Unions Act, trade unions may, in accordance with their charter objectives and activities, join international trade union organizations and engage in foreign economic activity as provided for by law.

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

150. Irrespective of their name or structure, all trade unions have equal rights.

151. Pursuant to article 36 of the Constitution, everyone has the right to go on strike alone or with others. The right to strike of persons employed under a labour contract may only be limited in the cases provided for by law. Military personnel and civilians serving in the armed forces and other armed formations of the Republic of Azerbaijan may not strike.

152. The same article provides that individual and collective labour disputes shall be resolved according to the procedure provided for by law.

153. Article 270 of the Labour Code states that employees have the right to strike alone or with others. The right of employees or trade unions to hold a strike arises from the moment a labour dispute begins. Where the parties to a collective labour dispute have agreed to resolve it by peaceful means, striking is permitted when the efforts to that end fail. If the employer unjustifiably delays the peaceful resolution of a dispute or fails to discharge agreements reached by peaceful means, the workforce or trade union is entitled to strike immediately. Participation in strikes is voluntary. Anyone who forces employees to participate or not to participate in a strike may be held accountable as provided for by law. Except in the cases referred to in article 275, paragraph 4, of the Labour Code, no one may be brought in to do the work of employees who are taking part in a strike. Employers may neither organize nor participate in strikes. Employees may not be dismissed in connection with the arising of a collective labour dispute or the holding of a strike, nor may other jobs be cut or closure or restructuring take place at an enterprise at which a collective labour dispute has arisen. Officials of legislative bodies, of relevant government organs and of judicial or law enforcement agencies are not permitted to take part in strikes. Inmates of penal institutions are forbidden to cease work and hold strikes in order to resolve labour disputes.

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

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

156. A number of provisions of the Trade Unions Act were altered and expanded through the Certain Legislative Instruments (Amendment and Supplementation) Act of 5 November 1996. As a result, the meaning of "registration of trade unions" changed to "State registration of trade unions".

157. Azerbaijan is a party to the International Covenant on Civil and Political Rights. The Human Rights Committee examined the country's second periodic report under the Covenant (CCPR/C/AZE/99/2) on 26 October 2001, during its seventy-third session.

158. Azerbaijan is also a party to the following ILO Conventions: Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87); Labour Relations (Public Service) Convention, 1978 (No. 151), and Right to Organize and Collective Bargaining Convention, 1949 (No. 98). The Government of Azerbaijan submitted reports to ILO on the first two of these instruments in 2000 and on the third of them in 2001.

159. The most representative of the workers' organizations in the country is the Confederation of Trade Unions of Azerbaijan, to which 25 nationwide sectoral trade union committees, as well as intersectoral associations from the Nakhichevan Autonomous Republic, belong on a voluntary basis. The total number of trade union members in the sectors concerned is 1,333,494.

160. In November 2000, the Confederation of Trade Unions of Azerbaijan became a member of the International Confederation of Free Trade Unions.

161. Sectoral trade union associations also belong to such international trade union organizations as the International Federation of Chemical, Energy, Mine and General Workers' Unions, the International Transport Workers' Federation and Postal, Telephone and Telegraph Workers International. In addition, there are close links with trade union organizations in Commonwealth of Independent States countries, Turkey, China, Norway, Sweden and Japan.

162. In relations between trade unions and the Government the principle of social partnership applies. In this context, general collective agreements are concluded between trade unions and the Cabinet of Ministers and the Entrepreneurs' (Employers') Confederation of Azerbaijan.

163. The Confederation of Trade Unions of Azerbaijan cooperates constructively with the Ministry of Labour and Social Protection, the Finance Ministry, the Ministry of Education, the Ministry of Youth, Sport and Tourism, with voluntary associations representing war veterans and refugees and with other authorities having to do with social and economic development.

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

165. Article 25, paragraph 1, of the Labour Code provides that trade union organizations, workforces, employers, relevant organs of authority and bodies representing employers all have the right to propose the conclusion or amendment of collective contracts and agreements. Paragraph 2 of the article states that the initiating party must inform the other party in writing of the commencement of the relevant negotiations and that the receiving party must enter into negotiations within 10 days of the receipt of the notification.

166. Pursuant to article 22 of the Labour Code, one of the basic principles for the drafting, conclusion and execution of collective contracts or agreements is that, in discussing issues relating to the content of the instruments, the parties retain their independence and participate voluntarily.

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

168. Article 6 of the Trade Unions Act prohibits trade unions from engaging in political activity and from merging or conducting joint activities with political parties.

D. Article 9

169. The Military Personnel (Pension Provision) Act of 29 April 1992, the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act of 25 August 1992, the Citizens' Pension Provision Act of 23 September 1992, the Children Lacking Parents and Parental Support (Social Protection) Act of 22 June 1999, the Medical Insurance Act of 28 October 1999, the Employment Act of 2 July 2001, the State Service Act of 21 July 2000 and the Labour and Family Codes all make provision for benefit payments.

170. Under article 3 of the Martyrs (Immortalization of Names, and Preferential Treatment for Family Members) Act, in the event of the death of a parent each child under 16 (if studying, under 18) is awarded a monthly benefit payment of an amount established by the President of the Republic.

171. Under article 12, paragraph 7, of the Chernobyl Disaster (Status and Social Protection of Victims and Participants in the Clean-up) Act, families with children who were disabled or have fallen ill as a result of the disaster and are on the rehabilitation clinic roster, and children of parents left in disabled category I or II or deceased as a result of the disaster, receive a monthly benefit payment per child of an amount established by the President of the Republic.

172. A temporary incapacity-for-work benefit (on account of illness) is payable in the following circumstances:

- (a) During temporary incapacity for work resulting from sickness or injury;
- (b) During treatment at a health resort;
- (c) When a person needs to look after a sick family member;
- (d) During quarantine, in the event of an epidemic;
- (e) During temporary transfer to other duties in connection with a tuberculosis infection or occupational disease;
- (f) While awaiting the construction of a prosthetic device at an inpatient prosthetics and orthopaedics facility.

Temporary incapacity-for-work benefit is granted on the strength of a medical certificate established in accordance with the law. It is payable from the first day of such incapacity until the beneficiary recovers or is certified disabled in accordance with the findings of an expert medical and social commission, but not for a longer period than that laid down by law.

173. If temporary incapacity for work results from an accident at work or an occupational disease, the benefit payable is equivalent to 100 per cent of earnings. In other circumstances, maternity benefit and temporary incapacity-for-work benefit are payable in the following amounts:

- (a) 150 per cent of earnings to disabled persons;
- (b) 100 per cent of earnings to:
 - (i) Workers with a cumulative time in employment of eight years or more;
 - (ii) Workers with two or more dependent children under 16 (if studying, under 18);
 - (iii) Individuals wounded, injured or disfigured during the war in Afghanistan or the tragic events of January 1990 in the Lenkoran and Neftechalinsk districts of Baku, who suffered in the defence of the territorial integrity, independence and constitutional order of the Azerbaijani State;
 - (iv) Individuals who participated in the defence of the territorial integrity, independence and constitutional order of the Azerbaijani State, relatives, widow(er)s and children of those who died in the course of those events, and the spouses of military personnel (including military personnel on fixed-term military service) who took part in the action;
 - (v) Individuals, including those temporarily sent or assigned over the period 1986-1990 to assist in the clean-up after the accident at the Chernobyl nuclear power station within the evacuation zone and those helping during that period to operate or perform other duties at the power station, military personnel and conscripts subjected during that period to emergency call-up and detailed to perform clean-up-related work regardless of the nature of that work or where it was performed, and the leaders and rank-and-file members of Internal Affairs bodies who served in the evacuation zone;
 - (vi) Persons suffering diseases of the haematopoietic system (acute leucosis), the thyroid (adenoids, cancer) or malignant tumours;
 - (vii) Parents (one) who took part in the clean-up after the accident at the Chernobyl nuclear power station or suffered as a result of that accident, irrespective of cumulative time in employment, in order to look after children under 14;
- (c) 80 per cent of earnings to:
 - (i) Workers with a cumulative time in employment of five to eight years;
 - (ii) Children under 21 bereft of both father and mother;
- (d) 60 per cent of earnings to workers with a cumulative time in employment of less than five years.

174. During pregnancy and the post-partum period, working women are granted 126 calendar days' paid leave (70 calendar days before the birth, 56 afterwards). In the event of a difficult birth or the birth of two or more children, 70 calendar days' leave are granted after the birth.

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

(a) For normal births, 140 calendar days (70 calendar days before giving birth, 70 afterwards);

(b) For difficult births, 156 calendar days (70 calendar days before giving birth, 86 afterwards);

(c) Birth of two or more children: 180 calendar days (70 calendar days before giving birth, 110 days afterwards).

176. Maternity benefit is granted on the strength of a medical certificate established in accordance with the law. Other papers are not regarded as constituting grounds for payment of benefit.

177. In all cases, maternity benefit amounts to 100 per cent of earnings and is payable irrespective of when the application for it is made.

178. Old-age benefits (pensions) are payable to:

(a) Men on attainment of their sixty-second birthday if they have a cumulative time in employment of at least 25 years;

(b) Women on attainment of their fifty-seventh birthday if they have a cumulative time in employment of at least 20 years.

179. Altogether 734,758 people received old-age pensions in 2001. The average monthly pension was 77,700 manat (US\$ 16.70).

180. Citizens living alone who reach the age of 70 also receive a monthly benefit of 20,000 manat (US\$ 4.10).

181. Disability pensions are awarded if people suffer a bodily disorder leading to full or partial loss of capacity to work as a result of:

(a) Work-related injury or occupational disease. In 2001, 7,067 people received pensions on this account. The average monthly pension paid was 73,000 manat (US\$ 15.70);

(b) General illness (including non-work-related injuries). People in this category numbered 147,110 in 2001, and received an average monthly pension of 71,000 manat (US\$ 15.20);

(c) Congenital disability, and disablement below the age of 16. There were 75,375 such persons in 2001 and their average monthly pension was 60,000 manat (US\$ 12.90);

(d) Disability acquired in the defence of the territorial integrity and sovereignty of the Republic of Azerbaijan against Armenian aggression. The number of people in this category in 2001 was 7,544; their average monthly pension was around 122,000 manat (US\$ 26.20);

(e) Disability suffered by civilians in the zone of military operations. There were 3,472 people in this category in 2001; their average monthly pension was 121,000 manat (US\$ 26);

(f) Disability as a result of the accident at the Chernobyl nuclear power station. The number of invalids in this category in 2001 was 4,638, and they received an average monthly pension of around 122,000 manat (US\$ 26.20);

(g) Disability acquired in the course of military service. There were 5,700 persons in this category in 2001, and they received an average monthly pension of 52,000 manat (US\$ 11.20).

182. Dependent family members of a deceased individual who are not capable of working are entitled to a pension (loss-of-breadwinner benefit). The following are considered eligible:

(a) Children, siblings and grandchildren under 18, or above 18 if they became disabled before reaching that age. Siblings and grandchildren are eligible if they do not have parents who are able to work. Students physically attending educational establishments are entitled to loss-of-breadwinner benefit until they complete their studies, but not beyond their twenty-third birthday;

(b) Men aged 62 or older, women aged 57 or older, and disabled persons irrespective of age;

(c) (One) unemployed parent or spouse, or a grandparent or sibling, irrespective of age and capacity for work, who is looking after the children, siblings or grandchildren aged under 8 of a deceased breadwinner;

(d) Grandparents, failing anyone under a legal obligation to support them.

183. Parents not being supported by a deceased individual are entitled to a pension upon his or her death if the death deprives them of their source of livelihood.

184. Parents, children and widows of citizens killed in war and the children of deceased citizens are entitled, if incapable of working, to a loss-of-breadwinner benefit, irrespective of whether or not they were dependent upon the deceased.

185. Altogether 136,189 people received loss-of-breadwinner benefits in 2001; the average size of the benefit paid was 54,000 manat (US\$ 11.60). All the above benefits and pensions are paid out of the State Social Protection Fund.

186. Benefits in respect of industrial injuries are financed by the employer responsible for the injury. He/she pays the monthly allowance and a one-off benefit, plus any additional costs relating to treatment, support and prosthetic devices, out of his/her own resources.

187. The monthly allowance consists of 1 per cent of average monthly earnings per 1 per cent loss of working capacity (occupation-specific or general). If the victim dies, the heirs are paid 100 per cent of his or her earnings.

188. The one-off benefit consists of once the average monthly wage for each 1 per cent loss of occupation-specific working capacity.

189. If an employee dies from an accident at work or an occupational disease, those entitled to compensation for the loss are paid a one-off benefit of once the average annual wage for every three years remaining between the deceased's age at the time of death and the age at which by law he or she would have been entitled to an old-age pension for work in arduous conditions. By law, the one-off benefit must not be less than the employee's average yearly wage.

190. Businesses and organizations may make provision in collective agreements and labour contracts to pay accident victims larger amounts.

191. The above payments are due irrespective of the degree of responsibility borne by the victim and of the receipt by the victim of other payments, including wages, pensions and benefits.

192. Compensation for loss due to occupational disease is payable in a comparable manner and comparable amounts.

193. Altogether, 6,822 people received compensation in 2000 for loss from the employers responsible.

194. Under the Employment Act, individuals duly registered as unemployed are entitled to unemployment benefit. Citizens' entitlements to social assistance from the State in the event of unemployment are defined by the Constitution.

195. Unemployment benefit may not be paid for longer than 26 calendar weeks in a 12-month period.

196. Citizens registered as unemployed who had been in paid work for not less than 26 calendar weeks in the 12-month period preceding their unemployment are paid unemployment benefit amounting to 70 per cent of their average monthly wage over the most recent 12 months at their last place of work.

197. Other categories (those who had been in paid work for less than 26 calendar weeks and those trying to go back to work after a prolonged break) are paid a minimum unemployment benefit approved by the Cabinet of Ministers. Individuals receiving unemployment benefit again 12 months after becoming registered as unemployed are also paid the minimum amount.

198. The law also recognizes exceptional cases in which special unemployment benefit rules apply. In no case may unemployment benefit exceed the national average monthly wage or be less than the established minimum benefit.

199. Since the adoption of the Employment Act the size of the minimum benefit has been increased from 5,500 manat (US\$ 1.30) to 30,000 manat (US\$ 6.10). The maximum benefit payable in May 2002 was 310,800 manat (US\$ 64).

200. Unemployed persons with dependent children under 18 years of age receive an increase in benefit of 10 per cent per child, up to a maximum of 50 per cent of their basic benefit.

201. In 2001, a total of 9,339 people received unemployment benefits, 1,623 of them for the second time. Of the recipients, 4,531 (48.5 per cent) were women, 2,550 (27.3 per cent) were under 30, and 4,049 (43.3 per cent) were refugees and displaced persons.

202. Until 1 January 2002, unemployment benefits were paid out of the State Fund for Employment Assistance.

203. Since 1 January 2002, with the changes introduced by the Employment Act, social protection measures for those seeking work and the unemployed, including unemployment benefit, are paid for out of the State Social Protection Fund, which is financed by mandatory social insurance premiums.

204. Family-related benefits include:

(a) Maternity benefit (100 per cent of earnings): this is paid out of the State Social Protection Fund (2,196,900 beneficiaries in 2001);

(b) A one-off benefit payable on the birth of each child (70,000 manat, or US\$ 15), paid out of the State Social Protection Fund (93,985 beneficiaries in 2001);

(c) A monthly benefit for children under 16 (if studying and receiving no bursary, under 18) in families with a per capita family income of 16,500 manat (US\$ 3.50) or less, amounting to 9,000 manat (US\$ 1.90) and paid out of the State budget (1,653,122 beneficiaries in 2001);

(d) A monthly benefit of 12,500 manat (US\$ 2.70) for the children of military personnel on fixed-term military service, paid out of the State budget (593 recipients in 2001);

(e) A monthly benefit of 20,000 manat (US\$ 4.30) for children of those invalided in the events of January 1990, paid out of the State budget (8,886 recipients in 2001);

(f) A monthly benefit of 35,000 manat (US\$ 7.50) for children of war victims, paid out of the State budget (4,094 recipients in 2001);

(g) A one-off burial allowance of 150,000 manat (US\$ 32.20), paid out of the State Social Protection Fund (4,904 beneficiaries in 2001);

(h) A monthly benefit of 25,000 manat (US\$ 5.40) for minor children in families affected by the accident at the Chernobyl nuclear power station, paid out of the State Social Protection Fund (6,137 beneficiaries in 2001);

(i) A monthly benefit of 15,000 manat (US\$ 3.20) during leave taken to look after a child under 3, paid out of the State Social Protection Fund (27,500 beneficiaries in 2001);

(j) A benefit of 100 per cent of average monthly earnings for looking after a sick child, paid out of the State Social Protection Fund (107,200 beneficiaries in 2001).

205. A scheme to reform the Azerbaijani pension system includes a definition of pensions that cover citizens' minimum needs. A draft decision of the Cabinet of Ministers defining a minimum subsistence level for the country has been prepared. On the basis of this draft the minimum subsistence threshold has been set at 146,700 manat (US\$ 31.50). Since January 1997 the average pension has been raised by 370 per cent to 92,823 manat (US\$ 19.90), and now represents 62.9 per cent of the subsistence minimum.

206. By continuing to raise pensions it is planned to arrive at an average level of monthly benefits equivalent to the subsistence minimum.

207. A cumulative time in employment of five years is required to establish entitlement to an old-age pension. Men aged 67 and women aged 62 who have not accumulated such a history become entitled to a social pension.

208. The value of the social pension has been increased by 430 per cent. On 1 January 2002, it stood at 66,000 manat (US\$ 13.80) and on 1 January 1997 at 15,400 manat (US\$ 3.80).

209. Refugees and internally displaced persons living in the harshest conditions are currently given material assistance by State agencies, voluntary organizations and private businesses. A number of international organizations are active in providing them with humanitarian support, the Office of the United Nations High Commissioner for Refugees, UNDP, the United Nations Children's Fund (UNICEF), the International Organization for Migration and the World Trade Organization among them. Such assistance is primarily concerned with securing improved access for the people concerned to nutritional, medical and educational services and to jobs.

210. The Milli Mejlis has passed amendments to the Citizens' Pension Provision Act. The adoption of the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act has strengthened the legislative authority for the accommodation of this population category within society.

211. In all, the President of Azerbaijan has signed over 30 decrees and orders on improved social protection for the population.

E. Article 10

212. Article 17, paragraph 1, of the Azerbaijani Constitution defines the family as the fundamental unit of society under the special protection of the State.

213. Article 28 of the Civil Code defines the legal capacity at civil law of a physical person as his or her ability through his or her own actions to acquire and exercise civil rights and assume and fulfil civil obligations.

214. A physical person acquires full legal capacity at civil law upon attaining majority, i.e. the age of 18 years.

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

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

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

218. The Azerbaijani Family Code lays down the procedure whereby marriage can be contracted on the basis of free and full consent between the intending spouses.

219. Under article 2, paragraphs 3 and 4, of the Family Code, marriage is a voluntary union of man and wife, registered at the appropriate governmental authority, for the purpose of constituting a family. Citizens' rights regarding entry into marriage and within family relationships may not be restricted on the basis of social, racial, ethnic, religious or linguistic appurtenance.

220. Under article 11, paragraph 1, of the Code, the conclusion of a marriage requires the written agreement of the intending spouses, who must have reached marriageable age.

221. As mentioned above, on the basis of articles 125-127 of the Labour Code working women are entitled during pregnancy and the post-partum period to 126 calendar days' paid leave (70 calendar days before the birth, 56 afterwards). In the event of a difficult birth or the birth of two or more children, 70 calendar days' leave are granted after the birth.

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

(a) For normal births, 140 calendar days (70 calendar days before giving birth, 70 afterwards);

(b) For difficult births, 156 calendar days (70 calendar days before giving birth, 86 afterwards);

(c) Birth of two or more children: 180 calendar days (70 calendar days before giving birth, 110 days afterwards).

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

224. Under article 127 of the Labour Code, one parent or other family member directly involved in caring for a child is entitled to social childcare leave on part pay until the child reaches the age of three years, the amount payable being as defined by law. A working individual looking after a child may, on the basis of his/her written application, use all or part of his/her entitlement to social leave on part pay.

225. By order of the President dated 18 January 2001, the monthly benefit payable to individuals on social childcare leave on part pay until the child reaches the age of three years was raised by an average of 180 per cent and set at 15,000 manat (US\$ 3.30).

226. In accordance with articles 17 and 23 of the Public Health Act of 26 June 1997, every woman has the right during pregnancy, childbirth and the post-partum period to free medical care at specialist medical institutions in the health-care system.

227. Under article 240 of the Labour Code, refusing to enter into a contract of employment with a woman because she is pregnant or has children under 3 is prohibited. This prohibition does not cover refusal by an employer to take a woman on for lack of suitable work or to hire her for a job in which the use of female labour is prohibited. If an employer refuses on such grounds, the woman is entitled to request a written statement of the reasons for his refusal. She may apply to the courts for protection of her rights in connection with the reasons for refusing to enter into a contract of employment.

228. Article 241 of the Code bans the use of female labour at sites with difficult or dangerous working conditions, in underground tunnels and shafts, and in other underground occupations. As a rule, women not performing physical labour but employed in managerial positions or providing social, health-and-safety or medical services, or employed on tasks underground without being required to do lifting or lowering, are allowed to work underground for a certain period. Women may not be employed to lift and carry weights exceeding the established standard from one place to another.

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

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

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

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

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

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

231. Under article 242 of the Labour Code, pregnant women and women with children under 3 may not be employed on night work, overtime, on rest days, public holidays or other days not regarded as working days, and may not be required to travel on business. Women with children aged between 3 and 14 (in the case of disabled children, 3 and 16) may be assigned to work overtime, on rest days, public holidays or other days not regarded as working days, and dispatched on business travel only with their consent.

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

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

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

235. Pursuant to article 6 of the Citizens' Pension Provision Act of 23 September 1992, hero mothers are accorded a supplement of 100 per cent of the minimum old-age pension.

236. Article 14 of the Act establishes that hero mothers are entitled to full pensions under the following circumstances:

(a) If they have a cumulative time in employment of at least 10 years, regardless of age;

(b) Upon reaching the age of 50, regardless of time in employment.

237. Women who have given birth to three or more children and raised them to the age of 18 are entitled to old-age pensions on the following terms:

(a) Women with nine children: upon reaching the age of 45, provided they have a cumulative time in employment of at least 10 years;

(b) Women with eight children: upon reaching the age of 46, provided they have a cumulative time in employment of at least 11 years;

(c) Women with seven children: upon reaching the age of 47, provided they have a cumulative time in employment of at least 12 years;

(d) Women with six children: upon reaching the age of 48, provided they have a cumulative time in employment of at least 13 years;

(e) Women with five children: upon reaching the age of 49, provided they have a cumulative time in employment of at least 14 years;

(f) Women with four children: upon reaching the age of 50, provided they have a cumulative time in employment of at least 15 years;

(g) Women with three children: upon reaching the age of 51, provided they have a cumulative time in employment of at least 16 years.

238. For the purposes of calculating an old-age pension on the above terms, unadopted children of a dead mother are assimilated to a stepmother's biological children provided that they have actually been raised in the new family since before the age of 8.

239. Mothers of congenitally disabled children who have raised them to the age of 8 are entitled to an old-age pension when they reach their fiftieth birthdays, provided they have a cumulative time in employment of at least 15 years. For this purpose, disabled children aged up to 16 are also counted as congenitally disabled.

240. Time spent looking after children counts towards time in employment calculated in accordance with article 14 of the Act.

241. Article 19 of the Act entitles women reaching the age of 55 with less than the requisite time in employment to an old-age pension if they have at least five years' worth of qualifying time in employment. Women with three or more children and mothers of congenitally disabled children with at least five years' worth of qualifying time in employment are entitled to an employment pension even if, on reaching the age stipulated in article 14 of the Act, they have less than the requisite time in employment.

242. Under article 90 of the Act, social pensions are also awarded and payable to various categories of unemployed citizens incapable of working who are not entitled to an employment pension. These include:

- (a) Persons in disabled category I, II or III as a result of general illness;
- (b) Men reaching the age of 65, women reaching the age of 60;
- (c) Mothers who have given birth to and raised three or more children to the age of 8, upon reaching their fifty-fifth birthdays;
- (d) Mothers who have given birth to congenitally disabled children and raised them to the age of 8, upon reaching their fifty-fifth birthdays;
- (e) Children, in the event of loss of the breadwinner;
- (f) (One) unemployed parent, spouse, grandparent or sibling, irrespective of age and capacity for work, who is looking after the children, siblings or grandchildren aged under 8 of a deceased breadwinner.

243. Social pensions are likewise awarded upon their reaching their sixtieth birthdays to congenitally disabled persons in disabled category I, II or III who are not entitled to an employment pension, persons disabled before the age of 16, and women.

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

245. In conformity with article 249 of the Code, persons under 15 may not normally be taken into employment. To prepare them for working life, pupils aged 14 and over attending general secondary schools, vocational schools, lyceums and specialized secondary educational institutions may, with the consent of their parents or persons acting in loco parentis, be taken on to perform light work that poses no hazard to their health as work experience after school hours.

246. Article 250 of the Code prohibits the employment of persons under 18 in jobs involving difficult or dangerous working conditions, in underground tunnels or shafts, and in nightclubs, bars and casinos which may have a detrimental effect on their moral development; this includes work associated with the production, transport, sale and storage of spirits, narcotic drugs and toxic preparations.

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

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

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

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

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

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

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

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

251. Under article 254, people aged under 18 may not be employed on night work, overtime, on rest days, public holidays or other days not regarded as working days, and may not be required to travel on business. The period between 8 p.m. and 7 a.m. is regarded as night-time for workers under 18.

252. On application from children aged between 15 and 18 lacking parents and parental support, the Ministry of Labour and Social Protection in conjunction with the Ministry of Education must, pursuant to article 8 of the Children Lacking Parents and Parental Support (Social Protection) Act of 22 July 1999, provide them with career guidance and an indication of their suitability for pursuing different occupations, with due regard for their state of health.

253. Appropriate benefits are available under Azerbaijani law for employers who create jobs especially for children who lack parents or parental support, and assimilated individuals.

254. The Ministry of Labour and Social Protection in conjunction with the Ministry of Education arranges vocational training and work for people lacking parents or parental support and assimilated individuals. Jobs may be created especially for such people at public service institutions.

255. In accordance with the standards laid down by the Cabinet of Ministers, children who lack parents or parental support and assimilated individuals are, when first placed in work, provided with clothing, footwear, suitable accessories and equipment, and a one-off benefit of at least five times the average wage. At their option they may be given monetary compensation in lieu of the accessories and equipment, or the compensation may be paid into a bank account opened in their names.

256. Children lacking parents or parental support and assimilated individuals who are registered with the Ministry of Labour and Social Protection as unemployed and are seeking work for the first time are, under current law, paid unemployment benefit equivalent to the average wage. While they are looking for work, the Ministry of Labour and Social Protection in conjunction with the Ministry of Education provides them with vocational guidance, vocational training and job placement assistance.

257. If, as a result of job cuts, employers or their legal representatives dismiss workers deemed to be children who lack parents or parental support or assimilated individuals, they must at their own expense enrol the workers concerned in the necessary vocational retraining for subsequent employment with the same or a different venture.

258. Employers on a list drawn up by the Cabinet of Ministers must set aside one job in fifty for children who lack parents or parental support and assimilated individuals. Failure to do so is punishable by a fine per unfilled job per month of three times the nationally established average monthly wage.

259. The Rights of the Child Act was passed on 19 May 1998. It defines children's rights and liberties in Azerbaijan, the main principles of government policy on children, and the obligations of the State authorities and other juridical and physical persons as regards the protection of children's rights. Any person under 18 years of age is, for the purposes of the Act, a child.

260. Article 9 of the Act prohibits the sale to children of alcohol and tobacco products and the employment of children in the manufacture and sale of such products.

261. The Republic of Azerbaijan is a party to the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. It is also party to the following ILO conventions (date of most recent report to ILO shown in brackets):

- No. 103, Maternity Protection Convention (1997);
- No. 138, Minimum Age Convention (2000);
- No. 123, Minimum Age (Underground Work) Convention (1996);
- No. 90, Night Work of Young Persons (Industry) Convention (2000);
- No. 79, Night Work of Young Persons (Non-Industrial Occupations) Convention (2000);
- No. 77, Medical Examination of Young Persons (Industry) Convention (2000);

- No. 78, Medical Examination of Young Persons (Non-Industrial Occupations) Convention (2000);
- No. 124, Medical Examination of Young Persons (Underground Work) Convention (2000).

262. Much of the current legislation governing work by young people consists of standards ensuring that the young people concerned can receive an education. To this end, workers pursuing an education while in full-time employment are offered paid study leave to do laboratory work, take tests and examinations, sit State examinations and prepare for and defend diploma theses.

263. On application from an employee who has been admitted to the entrance examinations for a higher educational establishment, an employer must grant 14 calendar days' unpaid leave; if the employee has been admitted to the examinations for a specialized secondary educational establishment, seven calendar days' leave must be granted.

264. Employers contracting with young workers must include in the employment contracts supplementary conditions and opportunities for them to improve their professional skills and qualifications.

265. Collective agreements at individual enterprises can afford considerable scope for the creation of beneficial conditions for young workers.

266. Presidential Order No. 169 of 29 July 1999 endorsed the Plan of Action for implementation of State policy on youth in Azerbaijan. The action planned also reflects the broad thrust of efforts to provide opportunities for developing children's rights.

267. Under a plan defining the broad thrust of efforts over the period 2000-2004, the Government of Azerbaijani and the UNICEF office in Azerbaijan are putting into effect a special-purpose programme for children in need of special protection.

F. Article 11

268. Article 2 of the Food Products Act of 18 November 1999 and other relevant laws of the Republic of Azerbaijan specify rules for controlling the quality and safety of agricultural products, fish and fish products used as food and raw materials.

269. The Minimum Consumer Budget Act of 14 October 1992, the cornerstone of the Azerbaijani social welfare system, is intended to protect the standard of living of, in particular, low-income groups of the population and citizens who are incapable of working.

270. By enshrining in law the principles underlying the computation, approval and review of the minimum consumer budget, this Act ensures the development of a system of social benchmarks and its use in planning and forecasting the population's standard of living.

271. Article 3 of the Act defines the composition of the minimum consumer budget and the procedure for determining that budget, namely, the benchmark method based on a system of consumer goods baskets. The cost value of the minimum consumer budget is determined by averaging out prices and tariffs for the goods and services that comprise the respective consumer baskets, taking account of all forms of trade.

272. Article 7 of the Act establishes the concept of the consumer basket. The consumer baskets comprising the minimum consumer budget contain a systematic and balanced selection of consumer goods and services that satisfy specific human needs.

273. In accordance with article 8, consumer baskets are structured according to the main categories of individual or family expenditure, which include expenditure on the following:

- (a) Food;
- (b) Clothing and footwear;
- (c) Medicines and toiletries;
- (d) Furniture, tableware, recreational goods and hardware;
- (e) Tobacco products;
- (f) Housing and utilities;
- (g) Cultural activities;
- (h) Welfare services;
- (i) Transport;
- (j) Telecommunication and postal services;
- (k) Spa and other holidays;
- (l) Pre-school educational expenses;
- (m) Taxes and other mandatory payments.

274. The structure of the consumer baskets is reviewed by the Cabinet of Ministers at least once every three years against Azerbaijan's social and economic development and changes in consumption standards, taking into account the proposals of trade unions and consumers' associations.

275. The Agrarian Reform (Basic Principles) Act of 18 February 1995 mapped out the main areas of reform in the national agro-industrial complex (agrarian sector) and ensured that they are supported in law.

276. The Food Products Act of 18 November 1999 enshrined in law rules for controlling the quality and safety of agricultural products, fish and fish products used as food and raw materials, as well as rules on organizing the production and sale of such products.

277. Presidential Decree No. 534 of 10 January 1997 on validating certain laws and regulations to support implementation of agricultural reform approved the following laws and regulations drafted by the Azerbaijani State Commission for Agrarian Reform:

(a) Regulations on preparing and approving comprehensive land management projects on land to be privatized which is currently farmed by sovkhozes, kolkhozes and other agricultural enterprises;

(b) Regulations on the apportionment of land in the light of the quality of land to be privatized which is currently farmed by sovkhozes, kolkhozes and other agricultural enterprises;

(c) Regulations on the transfer to private ownership of land lawfully used by private citizens and occupied by private dwellings, household plots, collective or cooperative gardens or gardens managed by a State horticultural enterprise;

(d) Regulations on the privatization of land farmed by sovkhozes, kolkhozes and other agricultural enterprises (with allowances made for special cases);

(e) Regulations on drafting, registering and issuing documents concerning title to land and the right to use land;

(f) Rules on maintaining for the use of ministries, committees, associations, enterprises, institutions and organizations lands transferred to them from areas farmed by sovkhozes and kolkhozes for the purposes of allotment farming or on the full or partial restitution of such land to the previous users;

(g) Rules on the purchase and sale of land;

(h) Rules on the division of property at agricultural enterprises and the partial transfer of such property to municipal ownership;

(i) Presidential Decree No. 203 of 9 November 1999, which established the State programme to intensify agrarian reform and assist the development of agricultural businesses in Azerbaijan in the period 1999-2000.

278. Article 43 of the Azerbaijani Constitution enshrines the right to housing in law. It provides that no one may be unlawfully deprived of housing and that the State shall promote the construction of housing and take special measures for the realization of the right to housing.

279. Article 10 of the Azerbaijani Housing Code defines citizens' rights and obligations with regard to housing.

280. The objectives of Azerbaijani housing law are to regulate housing matters with a view to safeguarding citizens' constitutional right to housing and ensuring the use and conservation of the country's housing stock (whether State or publicly owned, private or cooperative).

281. Article 33 of the Constitution stipulates that everyone has the right to the inviolability of their home. Except in circumstances prescribed by law or pursuant to a decision of a court of law, no one may enter a home against the residents' will.

282. Similar provisions enshrining the right to the inviolability of the home are to be found in the Civil Code, the Judicially Confiscated Dwellings (Restitution by Way of Amnesty) Act of 6 November 1991, the Housing Stock Privatization Act of 26 January 1993 and the Mortgage Act of 3 July 1998.

283. Articles 109-117 of the Housing Code and articles 109-133 of the Civil Code enshrine in law citizens' rights to participate in housing construction cooperatives and, in consequence, in the financing of housing under construction.

284. Building rules and standards are laid down in the Architecture Act of 15 May 1998, the Principles of Town Planning Act of 11 June 1999, and two decisions of the Cabinet of Ministers, namely, the decision of 4 September 1995 on applying the base coefficient method in calculating contract prices in the construction industry and the decision of 18 September 1996 validating the coefficients applied to the starting prices of construction projects that were either mothballed, behind schedule or incomplete.

285. Under article 10 of the Housing Code, no one may, except on the grounds and in the manner prescribed by law, be evicted from, or limited in their right of use of, a dwelling they occupy.

286. With regard to the housing of forcibly displaced (internally displaced) persons, two regulations, the Regulations on the housing of forcibly displaced persons in habitable residential, administrative or other buildings and the Regulations on the resettlement of forcibly displaced persons in alternative living space, which address housing issues for (internally) displaced persons and the arrangements for resettling them to alternative living space, were ratified by a Council of Ministers decision of 24 December 1999.

287. Article 14 of the Hygiene and Disease Control Act of 10 November 1992 stipulates that State bodies, voluntary associations, enterprises, organizations, institutions and private citizens must, when allocating land for, or designing, siting, building, rebuilding, upgrading or refitting enterprises and their ancillary facilities, buildings or installations, and when planning or siting communities, resorts, industrial or agricultural facilities, water supply systems, sewerage, water treatment or hydraulic engineering installations, transport infrastructure, manufacturing processes or equipment, shall observe standards and rules of hygiene and sanitation designed to protect public health.

288. The procedure for seeking the approval of the State bodies responsible for sanitation and disease control in connection with potential construction zones or building, rebuilding, upgrading or refitting projects is prescribed under Azerbaijani law.

289. The main objective of Azerbaijan's poverty reduction strategy is to ensure a decent life for an absolute majority of the population by fine-tuning investment policy, thoroughly modernizing industrial capacity, mainly in the regions, developing and expanding infrastructure and bringing all sectors of the social sphere up to modern standards.

290. To tackle the housing problems faced by the families of persons with disabilities and of *shuhada*, the State Fund for the Social Protection, of Persons with Disabilities has over the past five years financed the construction and commissioning in various towns and districts around the country of nine apartment blocks, a housing project consisting of 50 private houses in the village of Mekhdiabad in Absheron district and private houses in rural areas.

291. More than 466 families of *shuhada* and disabled persons have been housed in buildings constructed by the Ministry of Labour and Social Protection, and the Ministry's efforts to find housing for such people are continuing. Apartment blocks comprising 36 apartments in Baku's Sabunchi district, 40 apartments and 15 apartments in the towns of Sheki and Ali-Bairamly respectively, and more than 20 houses in rural areas of the country should be available for occupation by the end of the current year.

292. The Ministry of Labour and Social Protection has established a commission comprising senior ministerial staff, the deputy heads of city and district authorities and representatives of voluntary organizations to ensure that apartments are fairly and properly allocated to disabled persons and the families of *shuhada* on a waiting list.

293. Following a thorough investigation of the living conditions of the people on the waiting list, the commission decides to allocate apartments to those whose need of accommodation is particularly acute.

294. Pursuant to presidential Decree No. 701 of 27 April 1998 on the application of the Subsoil Resources Act, the Cabinet of Ministers adopted on 28 December 1998 a decision approving the rules for the use of subsoil resources by landowners for their own needs within the confines of their own landholdings. This decision ratified the rules governing the procedure for extraction by landowners of commonly occurring minerals to a depth of up to five metres.

295. The Land Tenancy Act, application of which was approved by presidential Decree No. 116 of 12 March 1999, establishes the legal foundation for the leasing of State-owned land and the legal basis for tenancy relations in respect of land owned by the State, municipalities or private individuals.

296. Under this Act, State and municipal land may be used, normally on the basis of a lease, by natural or legal persons engaged in for-profit activity.

297. The Act of 26 March 1999 on writing off the tax arrears of sovkhoses, kolkhozes and other legal and natural persons engaged in agricultural production (except processing enterprises), in pursuance of which presidential Order No. 141 of 19 April 1999 was issued, is an important piece of enabling legislation for the first stage of agrarian reform.

298. On 7 May 1999, the Land Market Act was adopted. This Act deals with questions concerning all aspects of land market relations, the aims and objectives of land market law, the organization and regulation of the land market, the rights arising in the land market and liability for breaches of the law.

299. Azerbaijani legal persons and citizens have a legal right to enter the land market as owners, users, tenants, mortgagors, mortgagees or as parties to contracts of sale and purchase or other transactions.

300. Foreigners, stateless persons, foreign legal persons, international corporations, organizations and foreign States acting within their legal powers may also conclude transactions on the land market, except transactions involving the acquisition of ownership of land.

301. The relevant authorities and municipalities may participate in the land market within their legal powers.

302. One of the most important features of the Land Market Act is the establishment of a basis for the formation of land market prices. The Act provides that, where privately owned land is sold directly, the price is to be set by agreement between the parties in the light of the market rate. Where municipally owned land is sold directly, the price is to be determined by the municipality concerned, but may not be lower than the standard price of land and must take into account the market rate. Where municipal or privately owned land is sold at auction or by tender, the starting price is to be set by agreement between the owner and the organizers of the sale in the light of the market rate, but may not be lower than the standard price of land.

303. The price of the right to use and lease land is set in the light of market rates by mutual agreement directly at the time of sale or, in the case of sale at auction, as a starting price agreed between the owners and the organizers of the sale.

304. The area and boundaries of land scheduled for transfer to municipal ownership under the Land Reform Act and other legislation are regulated by the Municipal Territories and Lands Act, the application of which was the subject of presidential Decree No. 237 of 24 December 1999.

305. Land in Azerbaijan can be transferred to private citizens free of charge, and 3,354,000 people have become landowners as a result.

306. All citizens living in Azerbaijani territory have the right to use, lease, purchase and sell land.

307. As a result of the reform, 1,371,415 hectares of the land stock of kolkhozes and sovkhoses have been privatized and distributed free of charge to Azerbaijani citizens.

308. Azerbaijan produced 1.6 million tons of grain in 2000 and more than 2 million tons in 2001. Vegetable production was 781,000 tons in 2000 and 880,000 tons in 2001. Meat production was 109,000 tons in 2000 and 150,000 tons in 2001. Potato yield was 468,000 tons in 2000 and 605,000 tons in 2001.

309. In 2000 there were 1,961,000 head of cattle and 5,774,000 sheep, goats and pigs in Azerbaijan; in 2001 the corresponding figures were 2,021,000 and 6,086,000.

310. As a result of the agrarian reforms over the past five years, agricultural workers' personal incomes have grown by a factor of 3.7.

G. Article 12

311. Reform of the health-care system and of the organization and delivery of medical assistance to the public has been defined as part of the overall strategic programme for the development of the country's economic and social infrastructure.

312. The blueprint for reforming the national health-care system is based on the principles of preserving public health and developing Azerbaijani medicine.

313. Presidential decrees have been adopted concerning the application of the following laws of relevance to the health-care sector:

- (a) Public Health and Hygiene Act of 10 November 1992;
- (b) HIV/AIDS Prevention Act of 16 April 1996;
- (c) Pharmaceutical Industry Act of 5 November 1996;
- (d) Blood Donors (Components of Donated Blood) Act of 7 February 1997;
- (e) Protection of Public Health Act of 26 June 1997;
- (f) Medical Insurance Act of 28 October 1999;
- (g) Psychiatric Assistance Act of 12 June 2001;
- (h) Tuberculosis Patients (Assistance and Guarantees) Act of 2 May 2000;
- (i) Public Immunoprophylaxis Act of 17 June 2000.

314. National programmes have been adopted on immunoprophylaxis, tuberculosis control, AIDS prevention, malaria prevention, family planning and reproductive health.

315. Pursuant to presidential Order No. 760 of 13 March 1998, a State commission was formed to organize and carry through reforms in the health-care system. It has among its members the ministers of health, economic development, finance and justice and the chairmen of the National Bank, the Social Fund and the Confederation of Trade Unions.

316. Presidential Decree No. 49 of 29 December 1998 approved the Regulations on the State Commission for reforms in the Azerbaijani health-care sector.

317. Azerbaijan has skilled medical personnel, an extensive system of primary health services and a well-developed network of hospitals. Nationwide, there are 735 hospitals and 1,618 outpatient clinics and medical centres, including 603 children's clinics and surgeries and institutions with paediatric departments, 26 maternity homes, 314 gynaecological clinics and 1,897 midwifery clinics.

318. Thanks to the efforts that have been made, the incidence of certain infectious diseases declined in 2001 and polio has been eradicated entirely.

319. Currently some health-care institutions are gradually making the transition to charging for their services, various forms of ownership are being established, a budget and insurance-based system of financing is being introduced and individual and collective forms of medical service delivery are being developed.

Table 3
Infant mortality in 2001
(children under 12 months, per 1,000 live births)

	Both sexes	Boys	Girls
Total	12.5	12.9	12.1
Urban areas	11.2	12.4	9.8
Rural areas	13.6	13.3	13.9

320. In recent years a number of measures have been taken to improve the forms and methods of medical and social assessment and rehabilitation of those disabled persons most in need of social assistance and care.

321. A number of laws have been enacted to address these issues, and instruments have been drafted that lay the legal and regulatory groundwork in this important sphere.

322. In 1997 amendments and updates were made to the Disabled Persons (Social Protection) Act of 1992 and the Act was accordingly renamed the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act.

323. In line with the regulations on medical and social assessment boards adopted in 1997, Azerbaijan has made the transition from workplace disability assessments to medical and social assessments, and on this basis it has introduced an entirely new structure, namely, zone-based medical and social assessment boards.

324. The country has adopted a State programme for the period 1999-2002 aimed at preventing disability and rehabilitating persons with disabilities and has drafted and approved a number of important laws and regulations in this regard. These include:

- (a) Regulations on medical and social assessment boards;
- (b) Regulations on disability assessment criteria;
- (c) Model regulations on State rehabilitation enterprises;

- (d) Charter of the Prosthetic and Orthopaedic Aftercare Centre;
- (e) Rules on the supply of prosthetic and orthopaedic appliances, hearing aids, wheelchairs and other rehabilitation aids to the public;
- (f) Statistical reporting form No. 7 on the work of medical and social assessment boards;
- (g) Statistical reporting form No. 7 on the medical and social assessment of children;
- (h) Instructions and guidelines on improving expert services and rehabilitation for persons with disabilities;
- (i) Instructions and guidelines on paperwork in medical and social assessment boards;
- (j) Handbook of laws and regulations on disability assessment for the provision of invalid cars and wheelchairs to persons with disabilities.

325. The medical, social and labour rehabilitation of persons with disabilities is accorded special attention, as are issues having to do with such persons' integration into society. The work of the prosthetic and orthopaedic service, which plays a key role in medical and social rehabilitation by providing disabled persons with rehabilitation aids and prosthetic and orthopaedic appliances, has been expanded. The Prosthetic and Orthopaedic Rehabilitation Centre located in Baku serves approximately 8,000 people every year: 400-500 disabled people receive wheelchairs, 1,500-2,000 get crutches and arm rests, 500-600 are given hearing aids, and 800-900 people are provided with prosthetic limbs. Since 1997, some 950 persons with disabilities have, subject to special attestations, been provided free of charge with invalid cars; the vehicles have been paid for by the State. To improve the prosthetic and orthopaedic service, the International Committee of the Red Cross (ICRC) is currently involved in a project to establish a branch of the Prosthetic and Orthopaedic Rehabilitation Centre in Gyanja and expand the prosthetic and orthopaedic workshop in Nakhichevan.

326. A children's rehabilitation centre and a residential medical facility for disabled persons will commence operation in January 2003. The medical equipment in these facilities, and also the refurbishment of the National Rehabilitation Centre, will be funded by a grant from the Government of Japan. Issues pertaining to the medical and social rehabilitation of the disabled are becoming more and more important. When treatment is unavailable in Azerbaijan, the rehabilitation of persons with disabilities is organized in clinics abroad.

H. Article 13

327. Article 16, paragraph 2, of the Azerbaijani Constitution makes it a duty of the State to promote the development of culture, education, health care, science and art and protect the nation's natural environment and historical, material and spiritual heritage.

328. Article 42 of the Constitution states that every citizen has the right to education. The State guarantees the right to free compulsory general secondary education. The education system is overseen by the State. The State guarantees the continuation of education for talented individuals regardless of their economic circumstances. The State sets minimum education standards.

329. According to article 3 of the Education Act of 7 October 1992, citizens are guaranteed the right to education regardless of their race, ethnicity, religious faith, language, sex, age, state of health, social status, wealth, sphere of activity, social origin, place of residence, attitude to religion, political beliefs, or criminal record.

330. Certain professions and areas of specialization may be subject to Government-imposed restrictions connected with age, sex, state of health or possession of a criminal record. Citizens have the right to free tuition at public educational institutions. Additional fee-paying study groups may also be established at such institutions. Citizens are free to choose the form of their education, the institution where they wish to be educated and the language of instruction. To ensure that citizens requiring social protection and assistance can exercise their right to education, the State pays part or all of their educational expenses for the duration of their education. Citizens with low incomes who study at fee-paying institutions receive State grants based on the norms applicable at public educational institutions of the same kind and type. The State sets in place all the conditions to enable especially gifted individuals requiring social assistance to receive an education either in Azerbaijan or abroad. Students at higher educational institutions can apply for State loans repayable within five years of the completion of their education. Azerbaijani citizens are entitled to receive appropriate educational certification (including for the first stage of higher education, the baccalaureate) after independently following the curriculum taught at educational institutions and passing an external examination. Graduates of public and private educational institutions have equal rights of access to the next level of higher education.

331. Article 13 of the Education Act permits educational institutions in Azerbaijan to be public or private and fee-paying or non-fee-paying.

332. Article 15 of the Act provides that general education consists of three levels:

- (a) Primary education (years 1-4);
- (b) Basic education (years 5-8);
- (c) Secondary education (years 9-11).

333. Children completing the third level are deemed to have received a completed general secondary education. Primary, basic and secondary schools may function separately. Basic education is compulsory.

334. Article 17 of the Education Act defines vocational schools and lycées as institutions that provide initial vocational training with a view to meeting the need for skilled workers in various professions and in forgotten or disappearing unique and traditional crafts that Azerbaijan is seeking to revive.

335. Vocational schools admit craft-oriented people who have completed the compulsory stage of education and young people wishing to enhance their vocational training in various sectors of industry or to change their occupation. In some cases, initial vocational training is offered to individuals who do not have a basic general education. If they so wish, young people with a secondary education may also enrol in schools offering initial vocational training. Vocational schools do not offer secondary education.

336. In addition to mastering relatively complex professions, young people admitted to vocational lycées also receive a secondary education over a period of three to four years. Vocational lycées also have appropriate classes for young people who have completed their general secondary education.

337. The Government of Azerbaijan has made the necessary arrangements to ensure that all children aged 6-10 are covered by the education system. General secondary education (years 1-11) is available and accessible to all free of charge.

338. Tertiary education in Azerbaijan is provided by public and private (fee-paying) higher educational establishments. Public tertiary educational establishments accept students on both a fee-paying and a non-fee-paying basis. Private higher educational establishments accept students on a fee-paying basis only. In line with relevant decisions by the Cabinet of Ministers and the charters of private (fee-paying) higher educational establishments, certain persons may be exempted from tuition fees. Pursuant to a decision by the Cabinet of Ministers, tuition fees at public tertiary educational establishments are set by the Ministry of Education or other ministries and departments administering higher educational establishments on the basis of the cost of tuition per publicly funded student. At private (fee-paying) educational establishments tuition fees are set by the founders.

339. In accordance with the regulations in force, local authorities and schools in all communities conduct an annual survey of school-age children with a view to ensuring that they all receive primary education. Of the children admitted to the first year of primary school, 98.8 per cent (98.9 per cent of boys and 98.6 per cent of girls) complete their education on time four years later.

340. Article 21 of the Constitution stipulates that the official language of the Republic of Azerbaijan is Azerbaijani.

341. In Azerbaijan's higher educational establishments, teaching is conducted in Azerbaijani and, with due regard for the needs of society and the capability of the education system, in other languages (Russian or English). The right to choose one's language of instruction is realized by grouping students by language of instruction and providing the conditions necessary for the groups to function appropriately.

342. Spending on education accounts for 21.1 per cent of the Azerbaijani national budget. In October 2001, office workers' average monthly salary was 265,561 manat (US\$ 56.4).

343. For teaching staff, average monthly salaries are as follows:

- (a) In pre-school establishments: 93,312 manat (US\$ 20);
- (b) In general education schools: 196,798 manat (US\$ 41.8);
- (c) In vocational and technical schools: 191,064 manat (US\$ 40.6);
- (d) In secondary specialized educational establishments: 179,507 manat (US\$ 38.2);
- (e) In higher educational establishments: 324,057 manat (US\$ 68.8).

344. The proportions which the average salaries of teaching staff represent of the national average monthly wage are: for pre-school teachers, 35.1 per cent; for secondary school teachers, 74.1 per cent; for teachers at secondary specialized educational establishments, 67.8 per cent; for teachers at higher educational establishments, 122 per cent.

345. The average monthly salary of education workers is slightly higher than the average monthly pay of health-care, cultural and social security workers. Teachers' average pay has been raised several times in recent years and, with a view to enhancing their social status even further, another pay increase is planned before the end of the current year.

346. There are at present 46 higher educational establishments in Azerbaijan, 31 of which are State institutions and 15 are privately run fee-paying establishments.

347. The establishment of privately run fee-paying educational institutions is regulated by the Business Activities Act and the Education Act.

348. Private (fee-paying) educational establishments may be founded by local or foreign enterprises or organizations under any form of ownership, as well as by voluntary associations or organizations. Various legal requirements must be met in order to be able to open such an establishment. The establishment must be registered with the Ministry of Justice and be licensed to engage in educational activity by the Ministry of Education.

349. Special vocational courses, schools and lycées are being inaugurated for physically handicapped children.

350. Article 19 of the Education Act defines a tertiary education establishment (higher education college, institute, conservatory, academy, university, etc.) as an educational establishment offering a programme of higher specialized education.

351. It is clear from article 21 of the Act that the intake of students into tertiary and secondary specialized education is a highly important and strategic concern of the State.

352. In determining the number of entrance examinations and the system of testing to be used and in organizing the examinations, preference is given to specialist knowledge and skills.

353. To ensure that citizens requiring social protection and assistance are able to exercise their right to education, the State pays part or all of their educational expenses for the duration of their education.

354. Citizens with low incomes who study at fee-paying institutions receive State grants based on the norms applicable at public educational institutions of the same kind and type.

355. The Rights of the Child Act enshrines in law the right to education without restrictions of any kind.

356. Article 22 of the Act states that every child has the right to receive an education in accordance with the education law of the Republic of Azerbaijan. It is prohibited to prevent a child from receiving a compulsory general secondary education.

357. Article 34 of the Rights of the Child Act provides that children with disabilities are to be educated in special educational establishments according to a curriculum that has been developed for them.

358. Articles 15-22 of the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act of 25 August 1992 enshrine in law the educational rights of children with disabilities.

359. Under article 15 of this Act, the State guarantees the necessary conditions for disabled people to receive education and vocational training. The Ministry of Education, the Ministry of Labour and Social Protection, the Ministry of Health Care and local administrative structures must provide, in the manner prescribed by law, pre-school and extra-curricular education for children with disabilities and secondary specialized and tertiary education for disabled people. Pre-school institutions for disabled children must follow an educational programme decided upon by a psychological, pedagogical, medical and social assessment board.

360. Various kinds of education and vocational training are available for persons with disabilities, including education at home or teaching programmes tailored to individuals.

361. The State provides training for educational workers specializing in education and vocational training for people with disabilities.

362. Educational arrangements for people with special health needs are regulated by law.

363. Article 16 of the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act requires the Ministry of Education and its local departments to arrange for the organization of special groups to create the best opportunities for educating disabled children of pre-school age and providing them with rehabilitation assistance in pre-school institutions of the regular type.

364. The article further requires special pre-school institutions to be provided for handicapped children whose physical or mental developmental defects preclude their integration into pre-school institutions of the regular type.

365. Article 17 of the Act provides that children with disabilities who are unable to attend general educational schools may be taught at home if they and their parents so wish. It requires the Ministry of Education and its local departments to make comprehensive arrangements to ensure that children with disabilities can be educated at home.

366. When a disabled child is educated at home, one of its parents or the child's caregiver is entitled to financial support and benefits in the manner and under the conditions prescribed by law. Time spent caring for a disabled person counts towards the caregiver's work record.

367. For parents whose disabled children are being educated at home, assistance is available from appropriate teaching and educational institutions.

368. Pursuant to article 18 of the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act, it is incumbent on the Ministry of Education, its local departments and other State bodies to set in place the necessary conditions for the extra-curricular education of children with disabilities in order to ensure their comprehensive, harmonious development, socialize them and familiarize them with the worlds of work, science, technology, art and sport.

369. Article 19 of the Act states that secondary, specialized secondary and tertiary education for disabled persons shall be provided by educational establishments of the normal type, or by special educational facilities if necessary.

370. To provide requisite special conditions for the education of people with disabilities, specialized faculties or departments are organized for them in vocational and technical schools, technical colleges and higher educational institutions. Educational activities are also organized for disabled children undergoing treatment in hospitals or therapeutic rehabilitation facilities.

371. The necessary arrangements are made to enable disabled persons to sit examinations.

372. Pensions and bursaries are paid at the full rate for the duration of study.

373. Students with category I or II disabilities get an additional allowance equal to 50 per cent of the bursary received.

374. The State pays the tuition fees of persons attending fee-paying higher and secondary specialized educational institutions who became category I and II disabled persons as a result of the incursion of Soviet troops into Baku and other towns and communities across Azerbaijan on 19 and 20 January 1990, or who were disabled while protecting the territorial integrity, independence and constitutional order of the Azerbaijani State.

375. Pursuant to article 20 of the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act, children with disabilities who are hospitalized for more than 21 days at a time must be provided with continuous education and tuition by the hospital as an integral part of efforts to equip them for life in society and for employment.

376. Pursuant to article 21 of the Act, vocational and refresher training for disabled persons are provided under individual and State rehabilitation programmes by educational institutions, including teaching centres at the State Employment Service, and by enterprises and organizations (both specialized and ordinary), in conjunction with institutions providing social assistance to persons with disabilities and ancillary voluntary organizations.

377. The State Employment Service offers persons with disabilities who are able to work career guidance with a view to assessing their suitability for employment and the feasibility of training them for a new occupation.

378. Blind and visually impaired children are provided with Braille textbooks, audio books, study aids, special tape recorders, magnifying glasses and canes, while deaf children receive hearing aids and other devices designed for blind and deaf people. Special schools, sound-recording studios and special libraries are established for them.

379. Persons with disabilities who are undergoing vocational or refresher training are entitled to financial support in the manner and under the conditions prescribed by law.

380. Pursuant to article 22 of the Disability Prevention and Disabled Persons (Rehabilitation and Social Protection) Act, sign language is recognized by the State for the purposes of interpersonal communication, teaching and interpretation. Visually impaired people are taught using the Braille system, audio aids and large print. Mentally defective persons are taught using a system of simplified language. Persons with speech impairments are provided with up-to-date communications technology.

381. The presidential decree of 16 September 1992 on the protection of the rights and freedoms of ethnic minorities, small minorities and ethnic groups living in Azerbaijan and State support for the development of their languages and cultures paved the way for the adoption of legal measures to safeguard the right of ethnic minorities to organize and administer their own cultural and religious institutions and educational societies in accordance with Azerbaijani law.

382. Article 130 of the Penal Enforcement Code provides for the application at young offenders' institutions of a standard teaching and educational process to encourage the inmates to adopt law-abiding behaviour, develop a conscientious attitude to work and study and improve their general culture.

I. Article 15

383. The Copyright and Related Rights Act of 5 June 1996 regulates the relations arising in the territory of the Republic of Azerbaijan in connection with the creation and use of any scientific, literary or artistic work (copyright), and also performances, phonograms and transmissions by broadcasting or cable-broadcasting organizations (related rights).

384. A decision by the Cabinet of Ministers of 2 May 1997 established minimum rates of remuneration for various types of works, approved model copyright agreements, regulated the procedure for the voluntary registration of works and the issuance of registration certificates, and

addressed other issues that play an important part in the enforcement of copyright law. The Copyright Agency has approved a number of laws, regulations and service instructions in coordination with the Ministry of Justice.

385. Individual copyright provisions are to be found in the Business Activities Act, the Culture Act, the Cinematography Act, the Architecture Act, the Principles of Town Planning Act, the Advertising Act and the Publishing Act. Intellectual property law is a complex field that draws on provisions in constitutional, administrative, financial, labour, procedural and criminal law.

386. Azerbaijan attaches considerable importance to the legal protection of folklore as a component of the nation's cultural heritage. Proposals drawn up by the Copyright Agency to protect this category of intellectual property rights, and specifically the Azerbaijani people's right to the fruits of age-old national creativity, are currently under consideration by Parliament. The proposed measures of legal protection make extensive use of the experience accumulated by the Intergovernmental Committee of the World Intellectual Property Organization (WIPO) with respect to intellectual property, genetic resources, traditional knowledge and folklore, and of the joint recommendations of WIPO and the United Nations Educational, Scientific and Cultural Organization on developing national legal provisions to protect folklore. The proposals include a list of items requiring protection, the terms and rules governing their use, steps to prevent infringements and liability for the unlawful use of protected works of folklore.

387. Azerbaijan actively participates in international cooperation in the sphere of intellectual property. It joined WIPO in 1996 and acceded to the Universal Copyright Convention in 1997, the Berne Convention for the Protection of Literary and Artistic Works in 1998, and the Geneva Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms in 2001.

388. By way of collective management of the economic rights of authors, arrangements are being made to collect, distribute and transfer to authors and copyright owners any royalties due to them and to increase the number of registered users, principally among commercial structures.

389. Registration formalities have been completed for over 19,000 works, for upwards of 120,000 users and for more than 2,500 persons who have received royalties by way of collective management on behalf of authors and copyright owners.

390. In 2001 more than 420 works belonging to 70 authors were officially registered, approximately 130 registration certificates were issued to 150 owners of exclusive copyright, approximately 80 copyright agreements regarding the transfer of rights were registered, and over 500 musical works belonging to 20 authors were archived. Information on more than 4,200 musical works and 150 authors is stored in computer archives and databases.

391. More than 200 owners of copyright and related rights and their representatives sought copyright advice in 2001.

392. In addition to the provisions of Section V of Azerbaijan's Copyright and Related Rights Act, other protective provisions may be found in the Civil Code, the Code of Civil Procedure, the Criminal Code and the Code of Administrative Offences.

393. The Agency has devised a special comprehensive programme to combat piracy which, in addition to expansion of the means of protection available through the judicial and customs systems, provides for technical means to protect producers' output and for the strengthening of cooperation between the copyright service and competent law enforcement agencies.

394. The Agency has developed a project for the introduction of systems for identifying lawfully published phonograms and video products. The market is monitored regularly, breaches of copyright are systematically recorded and an appropriate database compiled, and the information is passed to the relevant authorities.

395. In 1998 the Azerbaijani Copyright Agency, in cooperation with WIPO, held a national seminar on the theme of new contracts (Internet contracts) and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). In May 2000 the Agency and WIPO held the first ever regional seminar-workshop on combating piracy in the South Caucasus.

396. The Agency, together with the Ministry of Education, held a national competition on the theme of intellectual property for students in tertiary education. The efforts of the eight finalists were forwarded to WIPO for inclusion in the international heat of the competition, in which undergraduates and masters students from 54 countries took part.

397. Among efforts to strengthen cooperation between WIPO and the Agency, a wide-ranging plan of action has been drawn up to equip the Agency with computers and office machines and to provide traineeships and refresher courses for experts. The Director-General of WIPO has approved this programme of cooperation for the period 2001-2002.

398. Article 40 of the Constitution states that everyone has the right to participate in cultural life and to have access to cultural institutions and cultural property.

399. Article 51 of the Constitution provides that everyone has freedom of creativity and that the State guarantees the free exercise of literary, artistic, scientific and technical and other forms of creativity.

400. Under article 15 of the Copyright and Related Rights Act, the author or copyright owner of a work has the exclusive right to use this work in any form or manner, except in those circumstances specified by the Act. The exclusive right to use a work means the right to perform, permit or prohibit the following actions:

- (a) Reproduction of the work (the right of reproduction);
- (b) Distribution of copies of the work by any means: sale, rental, etc. (the right of distribution);
- (c) Importation of copies of the work with a view to distributing them, including copies manufactured with the consent of the author or owner of exclusive copyright (the right of importation);
- (d) Public exhibition of the work (the right of public display);
- (e) Public performance of the work (the right of public performance);

(f) Communication of the work to the general public (including communication by broadcast or wire) (the right of communication to the public);

(g) Broadcasting of the work, including the first and subsequent public broadcast (the right of communication by wireless means);

(h) Communication of the work by cable or other similar means, including the first and subsequent public communication (the right of communication to the public by wire);

(i) Translation of the work (the right of translation);

(j) Adaptation, arrangement or other transformation of the work (the right of adaptation).

401. The exclusive right to use architecture, town planning and park and garden designs also includes the practical realization of such designs. The author of an architectural plan that is accepted by a client is, unless the contract specifies otherwise, entitled to require the client to allow him or her to participate in the realization of the project, both in drawing up the specifications and in actually constructing the building or facility.

402. Under article 19 of the Act, the following actions are permitted without the consent of the author or copyright owner and without payment of royalties, provided the name of the author whose work is being used is cited and the source of the information in question is stated:

(a) To the extent justified by the purpose of the action, quotation in the original language or in translation for the purposes of science, research, debate, criticism or information of short extracts from lawfully published works, including the reproduction of short extracts from newspaper or magazine articles in the form of a press review;

(b) To the extent commensurate with the end in view, use in publications, radio or television broadcasts or sound or video recordings of an educational nature of short extracts from lawfully published works;

(c) Except where such reproduction or public communication are prohibited by the author or other copyright holder, reproduction in newspapers, magazines or other periodicals or public communication of lawfully published articles on current economic, political, social or religious questions or of broadcast works of a similar nature;

(d) To the extent commensurate with the objective of information, reproduction or communication to the public in reviews of current events by photographic, cinematographic, wireless broadcasting or wire broadcasting means of works seen or heard in the course of such events. The author shall retain the right to publish such works in compilations;

(e) Reproduction in newspapers, magazines or other periodicals or communication to the public of political speeches, lectures, addresses, expressions of opinion intended for the public domain and similar works, including statements made in the course of judicial proceedings. The author shall retain the right to publish such works in compilations;

(f) Not-for-profit reproduction of lawfully published works in relief and dot print or other special forms for blind people (other than works specially designed for such means of reproduction).

403. Under article 20 of the Copyright and Related Rights Act, it is permitted to reproduce or publicly communicate without the consent of the author or copyright owner and without payment of royalties architectural, photographic or figurative works permanently sited in a location that is openly and freely accessible to the public, provided that the representation of the work is not the principal object of the reproduction or public communication and is not used for commercial ends.

404. Pursuant to article 21 of the Act, lawfully published musical works may, to the extent justified by the nature of the ceremony, be publicly performed at official or religious ceremonies, including funerals, without the consent of the author or copyright owner and without payment or royalties.

405. Under article 22 of the Act, works may, to the extent commensurate with the end in view, be reproduced for judicial or administrative proceedings without the consent of the author or copyright owner and without payment of royalties.

406. Article 23 of the Act provides that broadcasting organizations may, without the consent of the author or copyright owner and without payment of additional royalties, make recordings for short-term use of works which they have acquired the right to broadcast. The following conditions apply:

(a) The recording by the broadcasting organization shall be made using its own equipment and for its own broadcast;

(b) The recording shall be destroyed within six months of its being made, unless a longer period has been agreed with the author of the recorded work. The recording may, providing it is of an exclusively documentary nature, be stored in official archives without the consent of the author of the work.

407. Article 24 of the Copyright and Related Rights Act states that anyone in lawful possession of a copy of a computer program or database has the right, without the consent of the author or copyright owner and without payment of royalties:

(a) To make such changes to the computer program or database as are necessary to enable it to operate on the user's hardware, and to perform any actions associated with the operation of the computer program or database that are consistent with its intended purpose, including the recording and storage of data in electronic memory (of a single computer or a single network user) and the correction of obvious mistakes, unless specified otherwise by the copyright agreement;

(b) To create a back-up copy of the computer program or database, provided that copy is intended solely for archival purposes and for the replacement of a lost, destroyed or unusable copy in the possession of the lawful owner.

408. Article 33 of the Act specifies that a performer has the following personal (moral) and proprietary (economic) rights:

- (a) The right to claim authorship of a work;
- (b) The right to protection against any mutilation, deformation or other encroachment that could prejudice the performer's honour or reputation (the right to respect for one's reputation);
- (c) In addition to those cases prescribed by law, the exclusive right to use of the performance in any form, including the right to receive royalties for every type of use.

409. Article 44 of the Act states that owners of copyright or related rights and the competent State bodies and organizations that administer these rights on a collective basis are entitled to request the discontinuation of actions that infringe or threaten to infringe copyright or related rights. Copies of works or phonograms, the production (manufacture) or distribution of which entails a breach of copyright or related rights, are deemed to be counterfeits.

410. If copies of works or phonograms that are protected by the Act in Azerbaijan are, without the consent of the copyright owners, imported into Azerbaijan from a State in which those works or phonograms have never been protected, or where the term of protection has expired, those copies are likewise deemed to be counterfeits.

411. Article 45 of the Act stipulates that owners of copyright and related rights are entitled to go to court to protect their rights. In hearing disputes involving copyright or related rights, a court may, at the plaintiff's request, apply the following measures in addition to civil law remedies of a general nature:

- (a) In lieu of the making good of losses, forfeiture of the income derived by the infringer from the infringement of copyright or related rights;
- (b) In lieu of the making good of losses or forfeiture of income, the payment of compensation in an amount varying between 100 and 50,000 times the minimum wage.

412. Pursuant to article 9.1.4 of the Stamp Duty Act of 4 December 2001, no stamp duty is payable by authors in connection with legal action relating to copyright disputes, or by plaintiffs in connection with lawsuits arising out of copyright and the right to ownership of inventions, utility models, industrial designs or other forms of intellectual property.

413. Under article 46, paragraph 2, of the Copyright and Related Rights Act, the competent officials and bodies must take steps under the Code of Civil Procedure, the Code of Criminal Procedure and other Azerbaijani legislation to ensure the restoration of infringed copyright or related rights.

414. Article 47 of the same Act provides that persons who infringe the rights established under the Act incur civil, administrative and criminal liability under Azerbaijani law.

415. Article 14 of the Patents Act of 10 June 1997 states that the exclusive right to use an object of industrial property shall vest in the patentholder, provided that he or she does not infringe the rights of other patentholders or the provisions of the present Act. Without the consent of the patentholder, no one may use an item of industrial property protected by a patent.

416. Under article 22 of the same Act, the production, use, import, offer for sale, sale or other introduction into trade or the storage for such purposes of a product (manufacture) comprising a patented item of industrial property, and also the application of any patented method or the introduction into trade or storage for the aforesaid purposes of a product directly manufactured using such a method shall, unless authorized, be deemed an infringement of the patentholder's exclusive rights.

417. Article 24 of the Patents Act states that any individual or legal entity using an item of patented industrial property in breach of the provisions of the Act shall be deemed to have infringed patent rights. Infringers of patent rights may be held liable according to law. Where the patentholder fails to reach agreement with an infringer concerning compensation for the losses occasioned by the infringement, the dispute must be heard by a court in a manner provided for by law.

418. Article 25 of the Trademarks and Geographical Indications Act of 12 June 1998 states that, without the permission of the owner of a trademark, no one may use an identical or similar trademark for an identical or similar product or service. This provision also applies to the making of false representations to consumers as regards identical or similar trademarks.

419. The use in connection with wines or spirits without its user's consent of a trademark containing a geographical indication is considered an infringement of the right to a registered trademark.

420. Where the geographical indication is a familiar one, a translation has been made of its appellation of origin and is used in conjunction with an expression such as "sort", "type", "imitation", etc., and unlicensed persons use identical or similar marks in relation to goods of the same kind (including wines and spirits) whose characteristics might mislead consumers, the circumstances are deemed to constitute an infringement of a registered geographical indication.

421. The following are prohibited in connection with the use of registered trademarks and geographical indications:

(a) Actions that lead to the confusion of a product, service rendered or business activity with another, or the dissemination of false opinions that undermine the prestige of a product, service or business activity in commercial operations;

(b) The use of indicators that could mislead the public as regards the properties, quality or usefulness of a product in commercial operations.

422. Article 33 of the Trademarks and Geographical Indications Act provides for the hearing by the courts of the following types of dispute relating to implementation of the Act:

(a) Disputes concerning issuance of registration certificates in connection with trademarks and geographical indications;

- (b) Disputes concerning infringement of the exclusive right to use a trademark;
- (c) Disputes concerning premature cancellation of registration of trademarks or geographical indicators or declaration of their invalidity;
- (d) Disputes concerning conclusion or implementation of a licensing agreement or an agreement on the transfer of rights;
- (e) Disputes concerning unlawful use of a geographical indication.

423. When adjudicating disputes the courts must respect such trade secrets of the owner of the mark as are connected with the production of goods or the offer of services.

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

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

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

427. Article 85.0.10 of the Code of Administrative Offences provides that it is an administrative offence not to suspend work at a site where, in the course of exploiting mineral resources, items of scientific or cultural interest have been discovered or to fail to notify the bodies responsible for issuing special permits that such a discovery has been made.

428. The Information, Information Technology and Information Protection Act of 3 April 1998 and the Freedom of Information Act of 19 June 1998 enshrine in law measures guaranteeing the free exchange of, inter alia, scientific, technical and cultural information.

429. The Voluntary Organizations Act of 10 November 1992 establishes the right of Azerbaijani citizens to form associations on the basis of common interests, including various scientific societies.

430. State policy in the cultural domain provides for a variety of tools, including support for private initiatives, for promoting cultural development and for public involvement in cultural life.

431. The underlying principles of cultural funding are laid out in the Culture Act of 6 February 1998. This Act states that cultural institutions, regardless of their form of ownership, are funded from the national and local budgets and resources which they are able to generate themselves.

432. National cultural foundations are being established to attract additional funding. Local government bodies, voluntary associations and legal and physical persons can set up foundations to fund cultural activities.

433. Public money is allocated to the following areas:

- (a) Protection, maintenance and development of culture;
- (b) Upkeep of cultural sites;
- (c) Funding of international and national State programmes;
- (d) Funding for the provision of insurance services in the cultural domain;
- (e) Procurement, upkeep and protection of cultural property;
- (f) Assistance to elderly and young cultural workers in the form of grants, bursaries, benefits and awards;
- (g) Funding for the design and construction of cultural facilities.

434. The formation of a civil society is furthering the democratization of cultural life and offers broad scope for private initiatives and individual projects.

435. The organizational infrastructure that has been established in pursuit of the policy of encouraging public participation in cultural life includes the following cultural institutions:

Museums. Today there are 146 museums in Azerbaijan (not counting 14 conservation areas administered by the Ministry of Culture) and 30 art galleries. By type, these museums may be categorized as follows:

Historical and multidisciplinary (local history):

- Literary;
- Fine arts;
- Science and technology;
- Architectural;
- Natural history.

Libraries. As of 1 January 2001, there were approximately 10,000 libraries in Azerbaijan administered by various institutions and ministries. Of these, 4,204 are controlled by the Ministry of Culture. The largest libraries in Azerbaijan are the National Library and the science libraries of the National Academy of Sciences and Baku State University. Heightened public interest in information in the context of the new economy has boosted the number of people visiting libraries. User numbers increased by 17 per cent in the period 1997-1999. Local

libraries have gradually turned into cultural centres with a key role in delivering information to the public. However, the supply of new publications to libraries remains a major problem. The amount of public money allocated to restocking libraries is paltry and has declined by 86-89 per cent since 1988. Accordingly, urgent steps were needed to bring about radical changes in library policy at the national level. The Libraries Act became law in 1999. This Act laid down the basic principles of the national library policy and underscored the importance of organizing and managing the work of libraries as a vital sphere of State action. The Act provides for a periodic increase in allocations from the national budget for the restocking of libraries, as well as for the establishment of a mandatory library deposit scheme for everything published by the various State and private printing houses in the Republic of Azerbaijan.

Theatres. The Ministry of Culture currently administers 26 State theatres. By genre, these may be classified as follows: One operatic and ballet theatre; one musical comedy theatre; 13 drama theatres; one musical drama theatre; one children's theatre; five puppet theatres; one poetry theatre; and one mime theatre. The national theatre network has recently been supplemented by new kinds of theatres such as municipal theatres, theatre workshops and private theatres.

Cinemas. The Cinematography Act includes a provision whereby the State undertakes to protect the national film industry. Among other provisions, the Act proclaims film-makers' right to creative freedom and protects their copyright.

Cultural centres and clubs. Amateur arts are very important. Clubs and community centres provide forums for amateur artists, and are funded either by the State or by a number of large businesses. In 1999 there were 3,385 such clubs and similar institutions nationwide.

436. Everyone has the right to preserve his or her ethnic cultural identity and freely to choose his or her spiritual, aesthetic and other values. The State guarantees the individual's right to a cultural identity. The State also guarantees the satisfaction of the individual's cultural needs regardless of race, ethnicity or nationality.

437. The Ministry of Culture has devised a programme entitled "Cultural Diversity in Azerbaijan", which will be implemented in collaboration with the Organization for Security and Cooperation in Europe (OSCE). This programme is intended to preserve and develop cultural diversity in Azerbaijan through the following measures:

- (a) Holding of a photo exhibition;
- (b) Publication of an information resource, "All Azerbaijan", about national or ethnic minorities in the country;
- (c) Holding of a conference combining theory and practice on the theme of "Cultural Diversity in Azerbaijan", with subsequent publication of the proceedings;
- (d) Holding of a festival of the culture and art of national and ethnic minorities.

438. On 27 and 28 June 2002 the Ministry of Culture, the OSCE Office in Baku and the Norwegian Embassy organized a conference combining theoretical and practical aspects on the theme of national and ethnic minorities in Azerbaijan. A Coordinating Council was established as a result of the conference.

439. There are currently 274 children's musical and other artistic schools in Azerbaijan. They provide a grounding in music, the fine arts and classical and traditional dance. Tuition lasts for between four and seven years.

440. Arts schools (44 in all) teach music, the fine arts and classical and traditional dance. The State funds 99.4 per cent of the cost of running these various types of school.

441. There are 16 special secondary educational establishments in Azerbaijan that train cultural and arts specialists.

442. Tertiary education in the domain of culture and the arts is provided by the Baku Academy of Music, the Azerbaijani State University of Culture and Art and the Azerbaijani State Artistic Academy.

443. Tertiary educational establishments offer tuition on a fee-paying and non-fee-paying basis. Students with good results are awarded bursaries.

444. Depending on the degree, a course of study at one of these tertiary establishments lasts for between four and six years. After four years of study, students obtain a baccalaureate degree. Those earning high marks and wishing to take a master's degree may enrol and study for a further two years.

**IV. INFORMATION ON SPECIFIC SUGGESTIONS AND
RECOMMENDATIONS CONTAINED IN THE
CONCLUDING OBSERVATIONS OF THE
COMMITTEE (E/C.12/1/Add.20) ON THE INITIAL
REPORT OF AZERBAIJAN (E/1990/5/Add.30)**

A. Paragraph 27

445. The Constitutional Court of the Republic of Azerbaijan was established on 14 July 1998. Like other judicial bodies, it is independent of the legislature and the executive. At the same time, its legal status is characterized by a number of special features. The Constitutional Court considers cases relating solely to the Constitution of the Republic of Azerbaijan and decides on questions of law only.

446. The Constitution and the Constitutional Court Act define the Court's status, jurisdiction and rules of procedure.

447. The basic principles underpinning the work of the Constitutional Court are the primacy of the Constitution, justice, independence, collegiality and openness.

448. The Constitutional Court's jurisdiction is explicitly spelled out in the Azerbaijani Constitution. Article 130 of the Constitution states that the Constitutional Court shall consist of nine judges who are to be appointed by the Milli Mejlis of the Republic of Azerbaijan upon the recommendation of the President of the Republic of Azerbaijan. At the request of the President of the Republic, the Milli Mejlis of the Republic of Azerbaijan, the Cabinet of Ministers of the Republic of Azerbaijan, the Supreme Court of the Republic of Azerbaijan, the Procurator's Office of the Republic of Azerbaijan or the Ali Mejlis of the Nakhichevan Autonomous Republic, the Constitutional Court rules on the following questions:

(a) The conformity of the laws of the Republic of Azerbaijan, decrees and orders of the President of the Republic of Azerbaijan, decisions of the Milli Mejlis of the Republic of Azerbaijan, decisions and orders of the Cabinet of Ministers of the Republic of Azerbaijan, and legal and regulatory acts of central executive agencies of the Republic of Azerbaijan with the Constitution of the Republic of Azerbaijan;

(b) The conformity of decrees of the President of the Republic of Azerbaijan, decisions of the Cabinet of Ministers of the Republic of Azerbaijan and legal and regulatory acts of the central executive agencies with the laws of the Republic of Azerbaijan;

(c) The conformity of decisions of the Cabinet of Ministers of the Republic of Azerbaijan and legal and regulatory acts of the central executive agencies with decrees of the President of the Republic of Azerbaijan;

(d) In the instances provided for by law, the conformity of judgements of the Supreme Court of the Republic of Azerbaijan with the Constitution and laws of the Republic of Azerbaijan;

(e) The conformity of enactments of municipalities of the Republic of Azerbaijan with the Constitution of the Republic of Azerbaijan, the laws of the Republic of Azerbaijan, decrees of the President of the Republic of Azerbaijan, decisions of the Cabinet of Ministers of the Republic of Azerbaijan (and in the Nakhichevan Autonomous Republic, with the Constitution and laws of the Nakhichevan Autonomous Republic and the decisions of the Cabinet of Ministers of the Nakhichevan Autonomous Republic);

(f) The conformity of inter-State agreements of the Republic of Azerbaijan which have not yet come into force with the Constitution of the Republic of Azerbaijan;

(g) The conformity of intergovernmental agreements of the Republic of Azerbaijan with the Constitution and laws of the Republic of Azerbaijan;

(h) The conformity of the Constitution and laws of the Nakhichevan Autonomous Republic, decisions of the Ali Mejlis of the Nakhichevan Autonomous Republic and decisions of the Cabinet of Ministers of the Nakhichevan Autonomous Republic with the Constitution of the Republic of Azerbaijan;

(i) The conformity of laws of the Nakhichevan Autonomous Republic and decisions of the Cabinet of Ministers of the Nakhichevan Autonomous Republic with the laws of the Republic of Azerbaijan;

(j) The conformity of decisions of the Cabinet of Ministers of the Nakhichevan Autonomous Republic with decrees of the President of the Republic of Azerbaijan and decisions of the Cabinet of Ministers of the Republic of Azerbaijan;

(k) Adjudication of jurisdictional disputes between the legislative, executive and judicial branches.

449. At the request of the President of the Republic of Azerbaijan, the Milli Mejlis of the Republic of Azerbaijan, the Cabinet of Ministers of the Republic of Azerbaijan, the Supreme Court of the Republic of Azerbaijan, the Procurator's Office of the Republic of Azerbaijan or the Ali Mejlis of the Nakhichevan Autonomous Republic, the Constitutional Court interprets the Constitution and laws of the Republic of Azerbaijan.

450. The Constitutional Court also exercises other powers provided for by the Constitution.

451. Everyone has the right to challenge in the Constitutional Court, in accordance with the procedure prescribed by law and with a view to obtaining a ruling by the Constitutional Court on the questions listed in article 130, section III, paragraphs 1-7, of the Constitution of the Republic of Azerbaijan and the restoration of infringed human rights or freedoms, any enactment of a legislative or executive body, municipality or court that violates his or her rights or liberties.

452. Courts may, in accordance with the procedure established by law, request the Constitutional Court to interpret the Constitution and the laws of the Republic of Azerbaijan with reference to questions regarding the exercise of human rights and freedoms.

453. The Commissioner for Human Rights of the Republic of Azerbaijan has the right to refer to the Constitutional Court, in accordance with the procedure prescribed by law and with a view to obtaining a ruling by the Constitutional Court on the questions listed in article 130, section III, paragraphs 1-7, of the Constitution of the Republic of Azerbaijan, any enactment of a legislative or executive body, municipality or court that violates human rights or freedoms.

454. The Constitutional Court hands down judgements on questions within its jurisdiction. Judgements of the Constitutional Court are binding throughout the territory of the Republic of Azerbaijan.

455. Laws and other enactments or individual provisions thereof and intergovernmental agreements of the Republic of Azerbaijan shall cease to have effect on the date specified in the ruling of the Constitutional Court, and inter-State agreements shall not enter into force.

456. Article 151 of the Constitution provides that, where there is a contradiction between laws and regulations forming part of the Azerbaijani legal order (excluding the Constitution and acts adopted by a referendum) and inter-State agreements to which the Republic of Azerbaijan is a party, the international agreements will apply.

B. Paragraph 28

457. In the past six years gross domestic product has increased by a factor of 2.5, the exchange rate of the local currency has stabilized and the economy has developed as a result of investment totalling US\$ 10 billion.

458. In 2001 oil production accounted for 91.3 per cent of total national exports. Today 70 per cent of inward investment is directed to the oil sector. A priority in national economic policy is to reduce the imbalance between the development of the oil industry and other sectors. To this end, appropriate instruments and draft government programmes have been drawn up to develop various sectors of the economy.

459. The implementation of the State programme to reduce poverty in the period 2002-2005 will focus primarily on the following domains:

- (a) The social welfare system and pension reform;
- (b) Medicine;
- (c) Refugees and internally displaced persons (forcibly displaced persons);
- (d) Fiscal policy;
- (e) The financial, lending and banking sector;
- (f) Investment policy;
- (g) Energy policy;
- (h) Agriculture, the land market, development of land reclamation and irrigation;
- (i) Environmental safety;
- (j) Sport;
- (k) Culture;
- (l) Judicial and legal reform;
- (m) Monitoring of poverty.

460. Implementation of the State programme to develop small and medium-sized businesses is planned for the period 2002-2005. The programme comprises the following elements:

- (a) Improvement of State regulation of business activity;
- (b) Strengthening protection of business rights;
- (c) Financial and investment support for small and medium-sized businesses;
- (d) Support for restructuring and technological innovation in small and medium-sized businesses;
- (e) Acceleration of regional development;
- (f) Technical support for small and medium-sized businesses.

461. The objectives of the State investment programme for the period 2002-2004 are to stimulate inward investment in the Azerbaijani economy, spread investment more evenly across all economic sectors and ensure strong economic growth. This programme was devised with an eye to boosting the country's social and economic development, raising living standards, creating new jobs and strengthening the nation's economic potential. The funding for the various initiatives that comprise the State investment programme is drawn from the following sources:

- (a) The national budget;
- (b) Loans from international organizations and financial institutions (the International Monetary Fund (IMF), the World Bank, the Islamic Development Bank, the European Bank for Reconstruction and Development (EBRD), the Japan Bank for International Cooperation);
- (c) The State Oil Fund;
- (d) Other sources.

462. The programme focuses on the following sectors of the economy:

- (a) The oil industry;
- (b) The power-generating industry;
- (c) Manufacturing industry;
- (d) Agriculture;
- (e) Transport;
- (f) Public utilities;
- (g) Water resources and irrigation;
- (h) Environmental protection;
- (i) Support for small and medium-sized businesses;
- (j) Land reclamation;
- (k) Poverty reduction and support for economic growth;
- (l) Education, medicine, culture and sport.

463. A microfinance bank has been founded by EBRD, the German Development Fund, the Black Sea Trade and Development Bank and the International Finance Corporation. A review meeting of the Bank's founders has been held and the registration documents have been submitted. The Bank's principal objective is to provide loans for the development of small and medium-sized businesses.

464. The State Oil Fund was established with a view to the collection and efficient management of revenues deriving from the implementation of agreements to prospect for and exploit oil and gas deposits. The Fund's charter was ratified by a presidential decree of 29 December 2000. The resources at the Fund's disposal may be used to develop areas of national life that have no connection with the oil industry, for example providing humanitarian assistance to internally displaced persons (forcibly displaced persons), addressing the country's most pressing problems, and constructing strategically important infrastructure facilities.

465. The following projects may be highlighted:

(a) Support for private initiative in agriculture. This project was implemented by the German Development Fund in Zakataly district between 1997 and 2002. In all, 3.4 million deutsche marks were allocated to the project;

(b) Support for a regional pilot project in agribusiness. The amount allocated to this project by the Technical Assistance to the Commonwealth of Independent States (TACIS) programme in the period 1998-2000 was 1.3 million euros;

(c) An integrated food supply project. This project, to which *Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ)* has allocated 8.7 million deutsche marks, is being implemented in Khyzy district over the period 1998-2003;

(d) A project to boost food production in the Republic of Azerbaijan. The Government of Japan has allocated a grant of 731 million yen to this project;

(e) Development of a potato seed production base in Azerbaijan. This project, which was implemented in the period 1998-2001, was made possible through an allocation of US\$ 750,000 from the Government of the Netherlands;

(f) Development of agriculture through a credit scheme. The World Bank is providing US\$ 133,700 for this project, which is scheduled for implementation over the period 1998-2009;

(g) Establishment of model agricultural enterprises. The World Bank and the International Development Association (IDA) allocated US\$ 28.82 million to this project, which was implemented in the period 1997-2001;

(h) Preparation for reform of the pension and social assistance systems in Azerbaijan. This project was implemented in 1999-2001 in cooperation with the World Bank and with the financial support of the Government of Japan and IDA. The implementation of the project was made possible through a grant of US\$ 410,000;

(i) A project to provide installation support for refugees and forcibly displaced persons in Azerbaijan. This project was implemented in Imishli district in 2000 with the cooperation of the Office of the United Nations High Commissioner for Refugees. A total of US\$ 57,771 was allocated to the project;

(j) A project to reform the social protection and pensions system in the Republic of Azerbaijan. This project was implemented in conjunction with TACIS in 2000-2002. The project beneficiaries were the Ministry of Labour and Social Protection and the State Social Protection Fund. A total of 120,000 euros were allocated to the project. The project has now been extended for six months with a budget of 298,000 euros;

(k) A project to develop the social protection system in the Republic of Azerbaijan in cooperation with UNDP, starting in 2002. The total project budget is US\$ 1.2 million, of which US\$ 600,000 will be allocated by UNDP and US\$ 600,000 by the Government of Azerbaijan;

(l) A project to upgrade rehabilitation equipment at rehabilitation centres. This project is being implemented in conjunction with the ITOCHU Corporation using a grant of 400,037,000 yen provided by the Government of Japan;

(m) Together with ICRC, efforts are being made to provide free services to disabled people who require prosthetic appliances and limbs, and to provide rehabilitation centres in Baku, Gyanja and Nakhichevan with the materials and components necessary to manufacture such devices. Technical assistance in the amount of US\$ 225,207 has been made available by ICRC to equip these centres. Technical assistance worth US\$ 50,000 will be spent on a new rehabilitation centre in Gyanja;

(n) Capacity-building. In 2001, the Islamic Development Bank allocated 278,301 Islamic dinars and US\$ 361,800 to capacity-building;

(o) Shaping the strategic and economic development of the Azerbaijani Ministry of Finance. The Asian Development Bank allocated US\$ 762,000 in 2001;

(p) Joint river management programme. TACIS allocated 74,000 euros in 2002;

(q) Assistance in implementing environmental policy and the national plan of action for the protection of the environment in the Republic of Azerbaijan. TACIS allocated 85,220 euros in 2002;

(r) Development of the Azerbaijani social protection system. UNDP allocated US\$ 1.2 million in 2002;

(s) Improvement of rehabilitation equipment. The Government of Japan allocated 412,000 yen in 2002;

(t) Assistance in preparing the second irrigation project with a view to enhancing the effectiveness, sustainability and reliability of the irrigation system. IDA allocated US\$ 458,000 in 2001;

(u) Assistance in operating the Baku-Evlakh-Gyanja highway. The Government of Japan allocated US\$ 3.2 million in 2001.

C. Paragraph 30

466. As a result of the Armenian aggression against Azerbaijan, more than 17,000 km² of land, or 20 per cent of the country, is under occupation, more than 50,000 people have been injured or maimed and upwards of 18,000 have lost their lives, and 877 communities, 100,000 residential buildings, over 1,000 sites of economic importance, more than 600 schools and educational establishments, 250 medical institutions, and most of the architectural monuments in the occupied zone have been looted or destroyed. As a result of the aggression and ethnic cleansing of Azerbaijanis from the territory of Armenia proper and the occupied Azerbaijani lands, there are now about 1 million refugees and internally displaced persons (forcibly displaced persons) in Azerbaijan.

467. The majority of internally displaced persons (forcibly displaced persons), including women and children, have been housed temporarily in tents, railway goods wagons and hostels without utilities, and also in unfinished houses.

468. Of the total number of refugees and internally displaced persons (forcibly displaced persons), 420,000 are women. Of these, 16,000 have a higher education, 20,000 have a specialized secondary education and 85,000 have a secondary education. Some 14,000 of these women are teachers, 11,000 are doctors, 7,000 are cultural workers, 36,000 are agricultural specialists and 6,000 are engineers. In all, 155,000 displaced women are fit for work. Of these, only 38,000 (12.7 per cent) are in work. Some 30,000 internally displaced women have more than one child, 4,260 are mothers of *shuhada* (people who have died as a result of the Armenian aggression) and 17,000 are, owing to their husbands' deaths, the heads of their families.

469. Of the total number of internally displaced persons (forcibly displaced persons) in Azerbaijan, 200,000 are children.

470. The consequences of the Armenian aggression, especially the occupation of a portion of Azerbaijan territory and the presence in the country of some 1 million refugees and internally displaced persons (forcibly displaced persons), are now the chief obstacle to Azerbaijan's further development and the principal factor determining how far the Republic of Azerbaijan can fulfil its obligations under the International Covenant on Economic, Social and Cultural Rights.

D. Paragraph 40

471. Azerbaijan is working with various international organizations and financial institutions. These currently include the World Bank, IMF, EBRD and the Asian Development Bank. These organizations have provided Azerbaijan with the following assistance:

(a) IMF has allocated US\$ 435 million to Azerbaijan for the implementation of economic reform and the support of macroeconomic stability;

(b) IDA has allocated US\$ 491 million for structural reform and the implementation of various projects in the fields of education, culture and infrastructure. To this end, 17 agreements have been signed. Eleven projects together worth US\$ 278.4 million are currently under way. Three projects were completed before 2001;

(c) The strategy of the International Finance Corporation aims to establish a climate conducive to increasing the flow of investment into non-oil sectors. Particular attention is being paid to strengthening the financial sector, stimulating the development of small and medium-sized businesses, supporting investment in agriculture and protecting the environment in the industrial sector. The International Finance Corporation has provided Azerbaijan with assistance worth US\$ 134.6 million to finance five projects in various fields.
