



19/10/2010

RAP/RCha/AZ/IV(2010)

REVISED EUROPEAN SOCIAL CHARTER

4th National Report on the implementation of
the Revised European Social Charter

submitted by

THE GOVERNMENT OF AZERBAIJAN

(Articles 7, 8, 16 and 27
for the period 01/11/2004 – 31/12/2009)

Report registered by the Secretariat on 3 December 2010

CYCLE 2011

The Fourth REPORT
of the Republic of Azerbaijan
on
implementation of the Articles 7, 8, 16 and 27
of the European Social Charter (revised)

For the period **1 November 2006** to **31 December 2009** made by the Government of the Republic of Azerbaijan in accordance with Article C of the Revised European Social Charter and Article 21 of the European Social Charter, on the measures taken to give effect to the accepted provisions of the Revised European Social Charter, the instrument of ratification or approval of which was deposited on **02 September 2004**

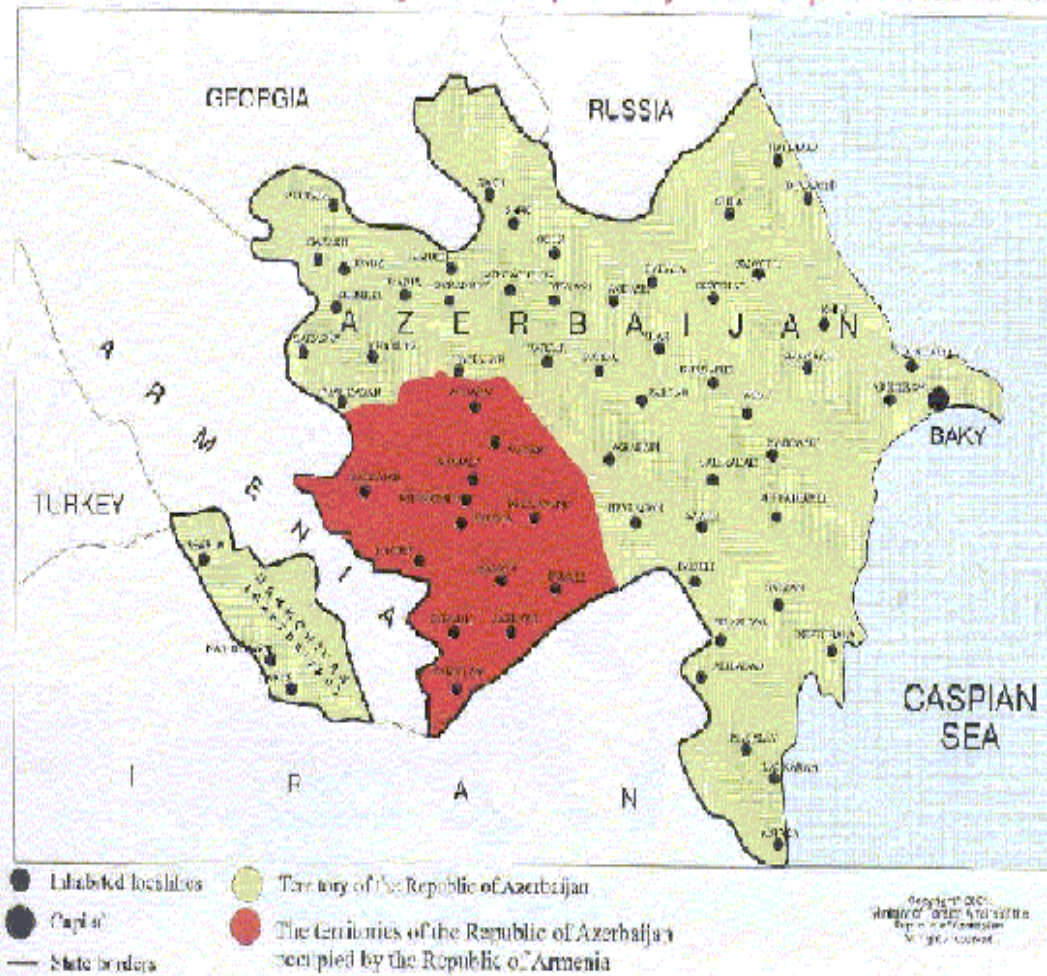
This report also covers the application of such provisions in the following non-metropolitan territories to which, in conformity with Article L, they have been declared applicable: **Republic of Azerbaijan**¹

In accordance with Article C of the Revised European Social Charter and Article 23 of the European Social Charter, copies of this report have been communicated the

- Azerbaijan Confederation of Trade Unions
- National Confederation of Employers' Organisations

¹ The Republic of Azerbaijan notifies that, she is not capable to ensure implementation of provisions of the Charter in territories occupied by Armenian Republic until its freedom. (schematic map of the territories is added)

Schematic map of the territories of the Republic of Azerbaijan occupied by the Republic of Armenia



European Social Charter (Revised)

Article 7 – The right of children and young persons to protection

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

- 1) to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;
- 2) to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy;
- 3) to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;
- 4) to provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;
- 5) to recognize the right of young workers and apprentices to a fair wage or other appropriate allowances;
- 6) to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;
- 7) to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay;
- 8) to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;
- 9) to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;
- 10) to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.

Information to be submitted

Article 7, § 1

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to part 5 of Article 17 of the Constitution of the Republic of Azerbaijan on “Family, child and state” children under 15 cannot be employed. This part was added to the Article 17, in line with the Referendum Act # 19/86 of the Republic of Azerbaijan “About additions and amendments to the Constitution of the Republic of Azerbaijan” dated on March 30, 2009. According to the first sentence of part 4 of Article 46 of the Labour Code of the Republic of Azerbaijan on “Regulations for executing and amending employment contracts” employment contracts can be executed with individuals of at least 15 years of age.

According to the Law # 924-IIIQD of the Republic of Azerbaijan dated on December 4, 2009, the second part of the Article 249 of the Labour Code on “Age Limit during acceptance for Employment” of the following content “In order to provide the youth with work experience, the students of high schools, vocational schools, lyceums or medium specialty education institutions who have reached the age of 14, upon the written consent of their parents or people replacing them, can work at after school hours in light duty works which pose no hazard to their health” was removed to be in line with the Article 7 of the European Social Charter (revised).

At the same time, according to the same Law the second part of the Article 258 of the Labour Code on “Employment relation in rural family businesses and family businesses” of the following content “In special cases in family businesses, teenagers between the age of 14 and 15 may work. They may not, however, do heavy or dangerous work or work at night. At these ages, teenagers may perform only small jobs or apprenticeships.” was removed.

Article 7, § 2

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Chapter 38 of the Labour Code of the Republic of Azerbaijan is about “Specifications of employing of workers under 18 years of age”. According to the first sentence of the Article 250 of the Labour Code Employment of persons younger than 18 years old in jobs with difficult and hazardous work conditions, also in underground tunnels, mines and other underground jobs, also in such places as night clubs, bars, and casinos which could be detrimental to development of his/her wisdom, and also in places where alcoholic beverages, narcotic components and toxic material are carried, kept, or sold is prohibited.

Works of limitations on lifting of heavy loads by employees under 18 are specified in the Article 251 of the Labour Code. This article prohibits using manpower of workers under age of 18 beyond the limits specified in this Article for lifting or carrying of heavy objects from one place to another.

Work duties (services) of workers between ages of 16 to 18 years can include manual lifting and carrying of only the heavy objects which their total weight is within the limits specified below:

- a) for males along with performing other duties, lifting by hand and carrying to another place of objects which their total weight is no more than 15 kilograms, also lifting to a height of more than one and a half metre of an object which its weight is no more than 10 kilograms;
- b) for females along with performing other duties, lifting by hand and carrying to another place of objects which their total weight is no more than 10 kilograms, also lifting to a height of more than one and a half metre of an object which its weight is no more than 5 kilograms;
- c) lifting by hand and carrying to another place of objects which their total weight is no more than 10 kilograms during the entire work day (work shift);
- d) carrying of objects by carts or other vehicles which their lifting would require more than 15 kilograms of power.

Girls up to age of 16 can be given works described in subsections 2 "a", "b", and "c" this Section with lifting and carrying of objects with total weight of only 1/3 of the limit specified and only with their own consent.

Putting girls under age of 16 to works of lifting and carrying of objects during the entire work day (work shift) is prohibited.

“The list of hazardous and labour intensive jobs, positions (professions), and also underground jobs where use of workers under age of 18 are prohibited” was approved by the Decision #58 of the Cabinet of the Ministers of the Republic of Azerbaijan, dated on March 24, 2000.

Article 7, § 3

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to the second sentence of the Article 250 of the Labour Code, employment of individuals under age of 18, to whom legislation of compulsory general secondary education is related, at works depriving them from full education is prohibited.

Article 7, § 4

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to the second part of the Article 91 of the Labour Code on “Reduced Working Hours” reduced working hours must be no more than 24 hours per week for employees up to the age of 16 and 36 hours for employees aged 16 to 18. According to the third part of the Article 247 of the Labour Code on “Labour rights of workers under age of 18 and the specifications of such rights”, labour contracts for workers under 18 years of age, must contain specification of additional conditions and responsibilities of the employer for getting more work and professional skills. According to the Article 248 of the Labour Code, refusal from hiring the individuals under 18 for their age or due to the low level of labour skills or professionalism is not permitted. According to the Article 255 of the Labour Code an employment contract with an employee under the age of 18 may not be cancelled on the grounds that he is not fit for the position (profession) he holds because of lack of skill or profession, pursuant to the Article 70, subsection c hereof.

Article 7, § 5

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to the Article 253 of the Labour Code on “Concessions for Payment to Employees Under the Age of 18” employees under the age of 18 who work reduced work time, as stipulated in the Article 91 hereof, is paid the same wages for the same kind of work as adults. The labours of employees under the age of 18 who are engaged in piecework are paid on the basis of the piece-rate pay determined for adults. Employees under 18 are issued additional payment according to tariff rates for the time difference between the working time shortened in line with Article 91 of this Code and the daily working time for adults.

Article 7, § 6

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to the second sentence of the third part of the Article 247 of the Labour Code for employees under age of 18 times spent for professional training during work hours is counted as work.

Article 7, § 7

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to the Article 119 of the Labour Code on “Duration of Vacations of Employees for Physiological Reasons” employees under the age of 16 are eligible for more than 42 calendar days and employees aged 16 to 18 shall be eligible for more than 35 calendar days of vacation per year. Employees with limited health capacity under the age of 18 are eligible for more than 42 calendar days of vacation per year.

Article 7, § 8

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to the Article 254 of the Labour Code no employee under the age of 18 is permitted to work at night or perform overtime work, to work on weekends, holidays, or other days off, or to be sent on assignment. For employees under the age of 18, the hours of 20:00 till 7:00 are considered night time.

Article 7, § 9

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to the Article 252 of the Labour Code on “Medical examination of employees under age of 18” employees under age of 18 are given employment only after passing medical examinations and until they reach age of 18 they must be medically examined every year with expenses paid by the employer.

Article 7, § 10

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to the second part of the Article 12 of the Labour Code on “Basic Employer Obligations and Responsibilities” employers violating employees' rights, who do not fulfil their obligations under an employment contract, employing individuals under age of 15, employing children in jobs endangering their health and detrimental to development of their wisdom, and

violating the conditions of this Code are called to appropriate account in the manner established by Legislation.

According to the fourth part of the Article 46 on “Regulations for executing and amending employment contract” employment contracts with individuals under 15 are not valid and the employer is subject to administrative action pursuant Article 312 of the Code. An employment contract with 15 to 18 years old individuals can be signed with participation or written consent of one of their parents, adopted parents (hosts) people replacing them.

According to the Article 53.9 of the Code of Administrative Offenses of the Republic of Azerbaijan the duty holders are fined in amount of 1000 to 1500 manats and legal entities are fined in amount of 3000 to 5000 manats for employment of individuals under age of 15. According to the Article 53.10 of the Code employing children in jobs endangering their life, health and mentality of shall be fined 3000 to 4000 manats for individual duty holders and 10000 to 13000 manats for legal entities.

Azerbaijan Republic has ratified Convention #182 of the International Labour Organization “Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour” in 2004 and period reports in line with this Convention is submitted to the International Labour Organization.

The Law of Azerbaijan Republic on #499-IQ “Concerning Children’s Rights” dated May 19, 1998 determines children’s rights, freedom, basic principles of state programs concerning children, state enforcement bodies of these rights and responsibilities of individuals and legal entities in Azerbaijan in line with the Constitution of Azerbaijan Republic, Declaration of Children’s Rights, Convention Concerning Children’s Rights and other international legal norms.

Azerbaijan Republic has joined several international conventions for prevention of human and organ trafficking and this matter is reflected in special law, program and legislative acts.

The president of the Republic of Azerbaijan has approved “ National Action Plan for Fight against Human Trafficking in the Republic of Azerbaijan” with the decree dated May 6, 2006. This action plan is in line with the UN Convention “Against Transnational Organized Crime” approved by the Republic of Azerbaijan in May 13 of 2003 and its Protocol to “Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children” and also provisions of Brussels Declaration on “Preventing Human Trafficking and Fight against It”.

The Law of Azerbaijan Republic on “Fight against Human Trafficking” was approved in June 28, 2005. This law regulates actions for preventing trafficking in persons, protection of victims of trafficking and legal and organizational basis of assistance to victims.

A special institution-shelter was opened in Baku, for temporary residence of trafficking victims with a relevant decree of the Cabinet of Ministers of the Republic of Azerbaijan, dated October 12, 2006, in line with the National Action Plan.

The Law of Azerbaijan Republic was adopted in May 23, 2006, for approval of agreement on “Cooperation CIS countries in fight against trafficking in persons, illegal trade of human organs and tissues”.

The Law of Azerbaijan Republic was adopted in December 30, 2008, for approval of Decision on “Cooperation Program of CIS countries in fight against trafficking in persons in 2007-2010”.

The Law #1002-IIIQ of Azerbaijan Republic was adopted in May 11, 2010, for approval of European Commission’s Convention “About Fight against human trafficking”.

The President of the Republic of Azerbaijan has approved “An National Action Plan (2009-2013) of the Republic of Azerbaijan for Fight against Human Trafficking” with the Decree dated on February 6, 2009.

- 2) Please indicate the measures taken (administrative arrangements, programs, action plans, projects, etc.) to implement the legal framework.

In 2006-2009 close to 10 instructions were prepared for improving fight against exploitation of child labour, violence, idleness and begging and other illegal actions, as well as for improving effectiveness of prevention measures for protection of children from harmful and immoral information, idleness and begging and improving fight against neglect of children. Legal normative documents for preventing drug addiction of teenagers and youth, incitement to illegal acts and exploiting them have been executed and cooperation with state and non-governmental, as well as, international organizations has been established in this direction.

A shelter for child victims of trafficking in persons has been functioning since October 2009 and “Regulations for placement and housing child victims of trafficking in the shelter” has been approved by Decision #180 of the Cabinet of Ministers, in November 19, 2009.

During the year, a wide range of events have been held in all cities and regions for legal protection and social, psychological and moral support of children and youth in line with Special Action Plan “About improving work carried out for prevention of neglect and protection of rights of children under 18 years of age” of internal affairs authorities. This Special Action Plan is in connection with a Decree of the President of the Republic of Azerbaijan dated December 22, 2008, announcing “2009 – Children’s Year”.

In 2005-2009 relevant services of the Ministry of Internal Affairs have organized more than 20 workshops, conferences, round table discussions, 5 joint projects with the UN Children’s Fund (UNICEF), the UN Population Fund (UNFPA), International Organization for Migration, Office of the High Commissioner for Human Rights in Baku, “Symmetry” Gender Association of OSCE, and other state and non-governmental organizations, as well as, programs and action plans in direction of “The Role of Police in Family Violence”, “International Experience in Working with out-law Children”, “The Problem of Street Children”, “Reforms in the Field of Juvenile Justice” were held, analysed and researched, more than 2000 employees of areal police inspectors and office of work with children under 18 years of age were involved in professional development courses and special trainings, 140 specialized police officers were trained in regional police authorities.

Round table on “Preventing children’s neglect and their social reintegration” was held by the State Committee for Family, Women and Child Problems in a frame of “2009 – Children’s Year” with the participation of experts from European Commission in the context of Social Inclusion Strategy.

Discussion were held in Education Institution of Penitentiary Service of the Ministry of Justice for children with special need together with participation of 3000 pupils from 124 secondary schools in Baku and other refugee schools, as well as, parents and school psychologists. Topics of violence, child suicides, child crimes, early marriages, hazardous addictions and religious knowledge as well as child trafficking, exploitation of child labour, child labour rights were discussed with active participation of children. Brochures and booklets were given out to children and videos about social topics were demonstrated in frame of the awareness raising campaign.

Trainings were held by the Committee on Children’s Rights for 2 pupils from every school in Baku for awareness raising and assimilation of Children’s Rights Convention among children. In the trainings 502 pupils from 253 schools were prepared as a trainer for Children’s Rights and they mastered skills for promoting and organizing events of such kind.

Vocation-oriented courses are organized for employment of children from low-income families, children with special needs and students of Education Institutions for Children under 18 years of age and its drop-outs in framework of “State Program (2007-2010) for Implementation of Employment Strategy of the Republic of Azerbaijan” approved by the Decree #2167 of the President of the Republic of Azerbaijan dated, May 15, 2007. Close to 100 children and teenagers were involved in carpentry, barber, computer and sewing courses and they were granted with certificates and provided with sewing and carpentry machines, barber and sewing accessories.

Conferences were held in the regions with the participation of relevant authorities to give advises for strengthening and to ensure full compliance with document and implementation of responsibilities arising from UN Convention on “Rights of the Child” and its operating Protocol concerning child trafficking, child prostitution and child pornography, other international Conventions about child labour, as well as, responsibilities from ILO documents. A wide awareness raising campaign was organized for fight against neglect of children under 18 years of age and social rehabilitation, together with NGOs and international organizations.

Child and Family Support Centres functioning in cities and regions under the Committee constantly organizes trainings in their areas about children with special need, children’s rights for their parents, protecting maternity, parents’ rights for labour and receiving benefits and advocacy skills.

Article 8 – The right of employed women to protection of maternity

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

- 1) to provide either by paid leave, by adequate social security benefits or by benefits from public funds for employed women to take leave before and after childbirth up to a total of at least fourteen weeks;
- 2) to consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period;
- 3) to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;
- 4) to regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants;
- 5) to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining and all other work which is unsuitable by reason of its dangerous, unhealthy or arduous nature and to take appropriate measures to protect the employment rights of these women.

Information to be submitted

Article 8 § 1

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to the Article 125 of the Labour Code of the Republic of Azerbaijan on “Pregnancy and Maternal Leaves” a woman shall be granted paid pregnancy and maternity leave of 126 days, (starting 70 calendar days prior to childbirth and ending 56 calendar days after childbirth). In the event of complicated or multiple births, women shall be granted seventy days leave after childbirth.

Women working in agricultural industry shall be granted the following pregnancy and maternity leave.

- a) 140 calendar days for normal childbirth (70 days before birth, 70 days after birth);
- b) 156 calendar days in the event of complicated birth (70 calendar days before birth, 86 days after birth);
- c) 180 calendar days in the event of multiple births (70 days before birth, 110 calendar days after birth).

According to the Article 126 of the Labour Code on “Rights for Leave for Women Adopting Children” a women who have adopted children under two months of age or who are raising them without adoption shall be entitled to the 56 calendar days of social leave specified for after birth, as well as to additional leave defined in Article 117 and partially-paid leave defined in Article 127 hereof.

According to the Article 127 of the Labour Code on “Right to Partially-Paid Leave and Rules for Exercising It” a single parent or another family who is directly caring for a child until it is three years old, shall be eligible for partially-paid social leave in the amount determined by Legislation. An employee caring for a child in his/her application may use partially paid social leave completely or in part at his/her discretion.

Azerbaijan Republic has ratified the Convention #183 about revising the 1952 Convention (revised) of the ILO on “Protection of Maternity” with the Law #1004-IIIQ dated May 11, 2010.

Article 8 § 2

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to the first part of the Article 77 of the Labour Code if an individual employment contract is terminated due to a reduction in employees or staff, the employee shall be officially notified by the employer two months in advance in cases provided by Article 70, paragraph b. According to the second part of the Article 56 of the Code in case of changing the working conditions the employer shall notify the employee one month in advance with a written information or order (decree).

According to the Article 79 of the Labour Code on “Employees Whose Employment Contracts May Not be Terminated” termination of contracts of pregnant women and women with children under age three, employees whose only income source is the enterprise where they work and who are bringing up children under school age alone, employees temporarily disabled, individuals bringing up children with limited health capacity under 18 years of age or family member of I group disabled, employment contracts for individuals on vacation or on a business trip or engaged in collective bargaining may not be terminated on the basis of the grounds determined in the Article 70 of this Code is prohibited. These provisions are not applied for terminations in cases determined in the paragraph “a” of the Article 70 (liquidation of an enterprise) and the Article 73 (A term employment contract shall be terminated upon its expiration).

According to the information given above, as it is prohibited to terminate contracts of pregnant women and women with children under age three, it is meaningless for employers to notify them for termination of their contracts.

Article 8 § 3

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to the Article 244 of the Labour Code on “Breaks for feeding of a child” women workers who have children under age one and a half year old shall be given breaks for feeding (breast feeding) of their children, in addition to their regular lunch and rest breaks. These additional breaks shall be at least 30 minutes each and shall be given every 3 hours. If a woman worker has two or more children who are under age of one and a half years old the duration of such breaks shall be at least one hour each.

Breaks given for feeding are considered as work, and the average salary of the worker stays the same.

Upon request of the woman the feeding breaks can be added up to the regular lunch or rest breaks, or they can be taken at the beginning of and/or end of workday (shift). If the lady would

want to take her feeding breaks at the end of the work day, her work day shall be shortened by time equal to total of the feeding breaks.

Article 8 § 4

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to the Article 242 of the Labour Code on “Limits to calling of women workers for night shift, overtime, and weekend jobs, or job related travel” calling of women workers who are pregnant or have children under three years of age for work on night shift, on overtime, or weekend, or a holiday or on a day which is not work day, or sending them to job related travel is prohibited. Calling of women workers who have children between ages of 3 and 14, or handicapped children up to age of 16 for work on night shift, on overtime, or weekend, or a holiday or on a day which is not work day, or sending them to job related travel is permitted only by their written consent.

Article 8 § 5

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to the Article 241 of the Labour Code on “Jobs and work places that working of women is prohibited” use of women workers in Labour intensive jobs, in hazardous workplaces, and also in underground tunnels, mines, and other underground works is prohibited. In underground works involving leadership positions that continues physical work is not needed, also in socials works, sanitation and medical services jobs, or in cases involving going down to underground and coming up without doing any physical work use of women workers is permitted. Use of women workers beyond the limits specified in this Article for lifting or carrying of heavy items from one place to another is prohibited.

Work duties of women workers can include manual lifting and carrying of only the heavy objects which their weight is within the limits specified below:

- a) along with performing other duties, lifting by hand and carrying to another place of objects which their total weight is no more than 15 kilograms;
- b) lifting to a height of more than one and a half-metre of an object which its weight is no more than 10 kilograms;
- c) lifting by hand and carrying to another place of objects which their total weight is no more than 10 kilograms during the entire workday (work shift);
- d) carrying of objects by carts or other vehicles which their lifting would require more than 15 kilograms of power.

Putting women workers who are pregnant or have children less than three years of age in the jobs specified in this Section is prohibited.

“The list of hazardous and Labour intensive jobs, professions (positions) and also underground jobs where use of women workers are prohibited” was approved by the Decision #170 of the Cabinet of Ministers of the Republic of Azerbaijan.

Article 16 – The right of the family to social, legal and economic protection

With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means.

Information to be submitted

a. Social protection

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Housing

Applying mortgage credit mechanism has started by the Decree #299 of the President of the Republic of Azerbaijan on “About the Creation of the System of Mortgage Credit in Azerbaijan Republic” dated September 16, 2005 for improving living conditions of the population, as well as housing provision of various social groups, particularly young families and for building the efficient housing finance mechanism.

Mortgage Fund under National Bank of Republic of Azerbaijan was established in this framework and the fund established mortgage lending system in the country and started granting preferential mortgage credits.

In 2005-2007 46.0 million manat was allocated from the state budget of the Republic of Azerbaijan to finance mortgage credits. At that period correspondent credit institutions authorized mortgage credits in amount of 75.0 million manat. The extra 22.0 million manat was covered by 2008 state budget allocated for mortgage financing.

In 2008 corresponding banks continued refinancing mortgage credits given on bases of provisions of the Azerbaijan Mortgage Fund, some banks increased their activity in mortgage lending with their own resources according to market demands and a number of banks implemented projects in this direction.

The fund has continued its activity in 2009 by self-financing principles and market mechanisms and protecting its social orientation as well. Thus, resources allocated from state budget are only directed to social mortgage lending.

The state budget allocated 14.0 million manats in 2009 and 10.76 million manats as of 31st of October 2010 for social mortgage lending. At that period correspondent credit institutions authorized mortgage credits in amount of 157.0 million manats.

Pre-school education

A total number of pre-school education institutions in the country is 1635, as well as 479 kindergartens and 1115 kindergarten-infant houses. There are also 4 special pre-school education institutions and 6 sanatorium type pre-school education institutions for handicapped children. At the beginning of 2010, 11 private pre-school education institutions, covering 541 children, were functioning in the country. Tutor to child ratio is 1/11.

Education at state pre-school education institutions is free. Priority for acceptance to pre-school institutions is given to children of single-parents working in the institution, mothers getting education, I and II group of disabled, veterans and persons who became disabled as a

result of participation in wars, fathers in active military service, unemployed, refugee and IDP families, large families and children in patronage.

Pre-school education institutions are provided with secure and harmless conditions for children's life and health, food, sleep and rest for children taking into account their age and personal development specifications. Institutions are also provided with relevant conditions, games, toys, training material and equipment to ensure development of childrens' creativity and interests.

Regarding the work hours of pre-school institutions, children are considered to be fed 3-4 times per day.

Pre-school teachers are sent to trainings, once in 5 years, for improvement of skills in Azerbaijan Institute of Teachers and its branches and Baku Institute for Pedagogical Skills Development and Re-training.

Two centres for counselling, legal and psychological assistance has been functioning in the State Commission for Family, Woman and Child Issues since 2008.

b. Legal protection

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Basics of social, legal and economical protection of families are reflected in relevant articles of the Constitution of the Republic of Azerbaijan. According to the Article 17 of the Constitution of the Republic of Azerbaijan on "Family, Children and State" the family as the foundation of society shall be under special protection of the State. To take care of the children and their upbringing is the obligation of the parents. The state shall see to it that this obligation be fulfilled. Children who do not have parents or guardians and are deprived of parental care are under the protection of the State. It is prohibited to involve children in activities that may cause threat to their lives, health, and morality. Children under the age of 15 may not be employed for work. The State supervises the implementation of rights of a child.

According to the Article 32 of the Constitution everyone has the right for personal immunity. Everyone has the right for confidentiality concerning personal and family life. Except cases envisaged by legislation interference in personal life is prohibited. Everyone has the right of protection from unlawful interference in his or her private and family life.

According to the Article 34 of the Constitution everyone has the right to marry on reaching the age specified by legislation. Marriages shall be concluded voluntarily. Nobody should be forced into marriage. Family and marriage are protected by state. Maternity, paternity and childhood are protected by the law. The state provides support to large families. Rights of wife and husband are equal. Care and education of children constitute both right and responsibility of parents. Responsibility of children is to respect parents, look after them. Children who are of age 18 and capable of working must support disabled parents.

According to the Article 38 of the Constitution everyone has the right for social protection. Most vulnerable persons must get support, in the first place, from members of their families. Everyone has the right for social protection on reaching specific age according to legislation, in case of illness, disability and loss of head of household in the family, due to unemployment and in other cases envisaged by legislation. Minimum sum of pensions and social allowances is specified by law. The state creates possibilities for development of charitable activity, voluntary social insurance and other forms of social protection.

According to the Article 94 of the Constitution Milli Majlis (the Parliament) of the Azerbaijan Republic establishes general rules concerning family relationships, including guardianship and trusteeship. According to the Article 127 of the Constitution it is allowed to have closed hearing of legal cases only if the law court decides that open hearings may result in disclosure of state,

professional or commercial secrets, or that it is necessary to keep confidentiality with respect to personal or family life.

Fight against Domestic Violence

Round tables were organized in the central libraries of the rayons on “Human Rights in Family Relations” in the framework of “Integrated Republican Program for Fight against Domestic Violence in Democratic Society”. The final conference was held in National Library of Azerbaijan named after M.F.Akhundov in September 24, 2007.

A survey prepared by the employees of the Committee (involving psychologists) was conducted in December, 2007 to study influence of family relations (in particular, violence) on children (between the 5th and 7th graders). 1671 pupils participated in the survey. A presentation about the results of the survey was held in Baku Information Centre (BMM) for the representatives of mass media in March 6, 2008.

Documents on the joint project “Violence against Women in the 21st Century” were signed among Heydar Aliyev Foundation, UN Population Fund UNFPA and Azerbaijan’s State Committee on Family, Women and Child Issues in direction of supporting Azerbaijan Government’s measures for preventing violence against women. The project covers three main elements: to improve protection services for the victims of violence and development of educational and training programs for the perpetrators of violence on behaviour without violence, to hold awareness campaigns for changing public attitude towards domestic violence and to improve government structures for prevention, protective services and rehabilitation of victims of violence.

Lectures were organized by the project in Sabirabad, Tovus, Absheron rayons and Nizami and Azizbeyov rayons of Baku in November, 2008. Also booklets on “Violence against Women in the 21st Century” and short movies with the slogan of “Let’s Stop Violence against Women” were prepared in the framework of the project.

Series of lectures were organized for higher grade pupils of secondary schools of the republic to continue public awareness raising in line with the action plan (15 paragraphs) related to announcement of 2009 – “Children’s Year”. Experts with different specializations participated in the lectures for raising awareness of teenagers on domestic violence, early marriages and other important topics.

A round table was held on “Children’s Rights in Family Relations” in September 25, 2009, in framework of action plan related to announcement of 2009 – “Children’s Year”. The purpose of the event held is prevention of domestic violence against children and restoration of the rights.

A Law #1058-IIIQD of Azerbaijan Republic was enforced in June 22, 2010, on “About Prevention of Domestic Violence” by the Decree of the President of the Republic of Azerbaijan dated September 25, 2009. The Law sets and regulates measures for preventing violence by misusing of common residence or former common residence and legal, medical and social negative effects of the violence, as well as, providing the victims with social protection and legal help and eliminating cases leading to domestic violence.

c. Economic protection

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

To provide family’s right for economic protection the following incomes are not subject to income taxes with the Article 102 of the Tax Code of the Republic of Azerbaijan:

with the exception of allowances paid in connection with the temporary loss of ability to work, government allowances, irreplaceable government transfers, government pensions,

government living allowances, in case of termination of labour contract due to reduction of the number of employees and staff, allowances paid to employees in accordance with Labour Code of the Azerbaijan Republic, as well as one-time individual payments or moneyed assistances from the resources of the State Budget based on the Laws of the Azerbaijan Republic and decisions of the appropriate government authorities.

Alimony;

If monthly income is up to 200 manats, then the part in the amount of 1 minimum salary, if annual income is up to 2400 manats, then in the amount of 12 minimum salaries;

income received directly from production of agricultural products;

The following compensation payment to natural persons:

amounts of allowances paid by the enterprises and organization to undergraduate, graduate and postgraduate students, directed to receive the education out of work;

The monthly taxable income from any type of employment shall be reduced by the amount of 400 manats for following persons:

National Heroes of the Azerbaijan Republic;

Heroes of the Soviet Union and Social Labour;

persons awarded with all three degrees of the Honorary Order;

disabled people of disability groups I and II;

widowed wives (husbands) of war participants who were killed at war or died later;

income of persons who were awarded orders and medals for heroic labour in the home front during the years of 1941-1945.

persons who received the status of war veterans in accordance with legislation;

persons who acquired radiation and radiation sickness or had these diseases as a result of accidents at Chernobyl AES, radiation accidents in civil or military atomic facilities, as well as tests, training or other work related to any kind of nuclear facilities (installations) and nuclear weapons and space technology;

The monthly taxable income of disabled people of I and II groups (except for veterans of war), persons under age of 18 with limited levels of health from any type employment shall be reduced by the amount of 100 manats.

The taxable income of the following persons from employment shall be reduced by the amount equal to 55 manats:

parents of war participants who were killed at war or died later, including parents and wives (husbands) of people in state service who died during the performance of their duties. Such privilege shall be granted to the wives (husbands) of these persons, provided that they have not married again;

parents and wives (husbands), including children living together with them, of persons who were killed as a result of the intervention of Soviet troops on January 20, 1990 and during the protection of the integrity of the territory of the Republic of Azerbaijan. Such privilege shall be given to the wives (husbands) of these persons, provided that they have not married again;

military officials involved in the training and test gatherings and military servicemen who were sent to Afghanistan and other countries where war operations were conducted;

any of the parents (according to their own decision), wife (husband), guardian or patron taking care of a child with limited level of health with whom they live together, who need a permanent care and who is an invalid from childhood or belongs to the 1st group of disability;

displaced people and persons of similar status. This privilege in accordance with housing legislation or civil legislation deals is not applicable to persons, residing permanently as a result of obtaining of personal dwelling space.

The taxable monthly income of a individual caring for three persons, regardless of degree of relationship, also pupils and students under the age of 23, shall be reduced by an amount equivalent to 20 manats of such spouse.

This rule shall be valid for children until the end of the year they reach the age of 18, for students — age of 23, or in the event of death of children or persons under patronage.

The taxable income of individuals shall be reduced beginning from the year when children are born or when patronage starts.

When the number of persons under patronage lessens (except in the case of death) during a year the deduction of an amount for the support of persons under patronage shall be terminated starting from the month following the month in which the number of such persons lessened.

The following shall not be persons under patronage:

persons who receive a scholarship, pension, and unemployment grant (other than children);

persons who are on state maintenance (students of technical colleges, children maintained in nurseries and kindergartens);

students of special schools and children maintained at boarding schools for whose maintenance guardians are not charged, as well as children maintained at boarding schools attached to state maintained schools.

If an individual has several grounds for the right to privilege in accordance with relevant articles of this Code such person shall be entitled to one of these privileges which is greater in amount

During calculation of tax levied from the salary, an individual's right to tax privileges stipulated in this Article shall arise upon the submission of documents determined by the relevant central executive authorities of the Republic of Azerbaijan and shall be exercised at the place where such individuals labour record is maintained.

According to Articles 3 and 4 of the Law of the Republic of Azerbaijan On Social Benefits, citizens of the Republic of Azerbaijan have the right to receive monthly and one-off benefits as specified in this Law.

“If no other case is provided for in international treaties that the Republic of Azerbaijan has joined, persons without citizenship having permanent residence in the territory of the Republic of Azerbaijan and foreigners have the right to receive monthly and one-off benefits as specified in this Law for citizens of the Republic of Azerbaijan, except for the benefit specified in the Article 4.0.1.1 of this Law” (Article 3).

The following benefits are allocated in accordance with the Article 4 of the Law of the Republic of Azerbaijan On Social Benefits:

- 4.0.1. monthly benefits:
 - 4.0.1.1. lifelong benefit for civil servants;
 - 4.0.1.2. benefit for age;
 - 4.0.1.3. disability benefit;
 - 4.0.1.4. benefit for disabled children under 18 years old;
 - 4.0.1.5. benefit for loss of family head (breadwinner);
 - 4.0.1.6. benefits for utilities, transport and other services to persons of certain categories identified by the President of the Republic of Azerbaijan;
 - 4.0.1.7. benefit for child care under three years old;
 - 4.0.1.8. benefits to children under 16 years old (under 18 years old for the ones having full-time tuition in general schools) of persons of certain categories identified by the President of the Republic of Azerbaijan;
 - 4.0.1.9. benefit to trustees (patrons) of children deprived of parental care or who lost their parents;
 - 4.0.1.10. benefits for low-income families with children under one year old.
- 4.0.2. One-off benefits:
 - 4.0.2.1. benefit for yearly medical treatment of persons injured through radiation accident;
 - 4.0.2.2. benefit for birth of a child;
 - 4.0.2.3. benefit for burial.

The State Program for Poverty Reduction and Economic Development in the Republic of Azerbaijan for 2003-2005 (SPPRED) approved by the Decree #854 of the President of the Republic of Azerbaijan dated February 20, 2003 envisaged six strategic goals of Government of Azerbaijan for poverty reduction, one of which was establishing targeted social assistance system as the first important reform action for more effective social protection of vulnerable groups. Introduction of this system provides for strengthening social protection of low-income groups population by the state, identifying poor and needy strata of population and allocation of social assistance namely to these population groups.

With the aim of creating a legislative basis as the first action for introduction of targeted social assistance system, the Law of the Republic of Azerbaijan On Targeted Social Assistance was adopted on October 21, 2005 and the Decree #312 of the President of the Republic of Azerbaijan On Application of this Law was signed on November 16, 2005. In addition, for ensuring full operation of the system, Rules for application for social assistance, its allocation and provision and refusal from provision were approved by the Decision #32 of the Cabinet of

Ministers of the Republic of Azerbaijan dated February 2, 2006 and Rule for calculation of income from personal supportive business for receiving social assistance by the Decision #118 dated May 1, 2006.

According to the Law of the Republic of Azerbaijan On Targeted State Social Assistance, family is identified as persons linked with relativity, or other specifications identified by legislation, sharing common residency and household, or persons living alone. Low-income families with monthly income below the total volume of per capita eligibility criteria due to circumstances not depending on them (lack of work skills among family members, registration of labour age member of the family as an unemployed in relevant executive body, his/her death, considering as a lost or dead person by the court, deprivation of freedom, absence of information on the place of a family member, etc.).

In accordance with the Law of the Republic of Azerbaijan On Changes and Amendments to the Law of the Republic of Azerbaijan On Targeted State Social Assistance enforced by the Decree #2897 of the President of the Republic of Azerbaijan dated June 24, 2008, targeted social assistance is attributed to foreigners' family members having a permanent residence in the territory of the Republic irrespective of their citizenship as well.

According to Articles 6 and 9 of the Law of the Republic of Azerbaijan On Youth Policy, the state guarantees education of talented and innovative young persons irrespective of their social and financial status.

Credits for education can be allocated to talented young persons needing social assistance in line with legislation with provision of payback after graduation.

The state enables talented young persons to get education and experience on modern vocations and qualifications in the territory of the Republic of Azerbaijan and outside its borders.

The state, local self-governance institutions, legal entities and individuals may set special scholarships, rewards and benefits for motivation of talented young people (Article 6).

The State Programme On Azerbaijani Youth for 2005-2009 approved by the Decree #982 of the President of the Republic of Azerbaijan dated August 30, 2005 identifies policy measures for supporting young persons needing social protection, including young families in solution of their problems.

- 2) Please indicate the measures taken (administrative arrangements, programs, action plans, projects, etc.) to implement the legal framework.

Two centres (Centres for Support to Children and Families in Shuvalan settlement, Baku and in Goranboy rayon) providing consultations and legal and psychological support to families operate under the State Committee for Family, Woman and Child Issues from 2008.

11 units of wheelchair, 11 special chairs, orthopaedic footwear and various hygienic appliances were purchased for children needing special appliances that live in families and child institutions within the Project implemented by financial support of United Nations' Guild of Women from 2006. The ceremony for giving appliances was held at the Centre for Support to Children and Families in Shuvalan settlement in March.

The Committee opened a non-medical Centre for Gender and Reproductive Rights of Youth in the Centre for Support to Children and Families in Shuvalan within the Project on Reproductive Health Initiative for Youth in South Caucasus implemented jointly with the United Nations' Population Fund.

A meeting with parents was held at the Centre for Support to Children and Families in Goranboy, their needs were studied and a computer package was presented to the Centre and wheelchairs and appliances to children needing special care who use services of the Centre within a joint project of the Organization of Refugee and IDP Youth with the Committee. Courses were organized for 12 teenagers using services of the Centre for Support to Children and Families in Goranboy. Certificates of Baku General Employment Department were provided to graduate children and appliances were presented by the Committee to the children on professions acquired.

Art therapy, computer, English language, Russian language and proactive therapy courses, girl volleyball club, lifestyle knowledge trainings, parents' psycho-social consultations, daily service delivery and some other activities were implemented at Shuvalan Centre for Support to Children and Families under the Committee.

The Committee had a regular activity in the spheres of improving services in 9 Centres for Support to Children and Families established by Save the Children, identifying families that need special care, studying and addressing their problems and supported satisfying needs of such children and their families within the reporting period.

- 3) Submit relevant figures, statistical data, or other related information reflecting practical application of Article 16. Submit information particularly on domestic violence, procedures for child care and provision of residential areas for families, volume of family benefits, ratio of beneficiaries to total population, as well as on tax concessions and other financial support forms to families.

Number of beneficiary families within targeted social assistance in 2006-2009 and the average monthly volume of targeted social assistance for 2006-2009 are shown in the Table below.

Table 1. Yearly evolution of targeted social assistance

	2006	2007	2008	2009
Number of families	48 705	78 092	163 409	144 844
Volume of TSA (manat)	44.28	80.03	100.96	113.3

Source: Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan

Article 27 – The right of workers with family responsibilities to equal opportunities and equal treatment

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake:

- 1) to take appropriate measures:
 - a) to enable workers with family responsibilities to enter and remain in employment, as well as to re-enter employment after an absence due to those responsibilities, including measures in the field of vocational guidance and training;
 - b) to take account of their needs in terms of conditions of employment and social security;
 - c) to develop or promote services, public or private, in particular child daycare services and other childcare arrangements;
- 2) to provide a possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child, the duration and conditions of which should be determined by national legislation, collective agreements or practice;
- 3) to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment.

Information to be Submitted

General Information

Several provisions are considered in the Labour Code of the Republic of Azerbaijan to ensure right for equal opportunities and treatment to women and men with family obligations.

According to the Article 16 of the Labour Code discrimination among employees on the basis of sex, family circumstances and establishment of privileges and benefits or directly or indirectly limit rights on the basis of these factors shall not be permitted. Concessions, privileges and additional protection for women, the handicapped, children under 18 years of age, and others in need of social protection shall not be considered discrimination.

The International Labour Organization Convention #156 on “Concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities” was approved with the Law #1003-IIIQ of the Republic of Azerbaijan dated May 11, 2010.

To this end, national legislation was adapted to the requirements of the Convention and numbers of improvements were made on certain items. For this purpose, the following amendments and additions were made to the Labour Code with the Law # 771-IIIQD of the Republic of Azerbaijan on “About Amendments and Additions to the Labour Code of the Republic of Azerbaijan”, dated February 24, 2009:

the following individuals were added to the list of individuals for whom trial period is not applied while hiring: pregnant women, women with children under three, single fathers with children under three, individuals for whom it is a first job after finishing educational institution according to his/her specialization (profession);

the following individuals were added to the list of individuals whose contracts cannot be terminated: single fathers with children under three, employees with children with limited health capacity under 18 years of age or I group disabled in their care;

the following conditions were added to the list of unpaid leaves granted at the request of employees: employees with children with limited health capacity under 18 years of age in their care (14 calendar days) and to solve other social issues (7 calendar days);

a condition of at the vacation request of employees during wives' pregnancy and maternity leave, regardless of time period of work in the enterprise was added to the Code.

Article 27(1a):

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to the paragraph "h" of the second part of the Article 179 of the Labour Code when the employee is called upon by employer's consent to participate in trainings for improvement of professional skills by leaving production site the average salary of the employee shall be protected.

According to the Article 130 of the Labour Code unpaid leaves of the following duration shall be granted at the employee's request in the following cases:

a) on the basis of the opinion of a medical board, to one of the parents of a chronically ill child or another family member directly engaged in child care, until the child reaches the age of four;

b) up to 14 calendar days for men whose wives are on maternity leave;

c) up to 14 calendar days for women with children under the age of 16 or single parents or guardians;

d) up to one month for children with limited health capacity under the age of 18 and disabled persons, regardless of the category or cause of the disability

e) up to 14 calendar days for individuals who were on active military duty in wartime;

f) up to 14 calendar days for employees who were injured (injury, trauma, concussion) defending the territorial integrity and sovereignty of the Republic of Azerbaijan;

g) up to 14 calendar days for parents raising children suffering from acquired immune deficiency syndrome (AIDS) or infected with the human immune deficiency virus (HIV) and for parents with disabled children under the age of 18;

h) up to one calendar month for employees attending post graduate, doctor's degree;

i) 14 calendar days for employees taking entrance examinations for higher educational institutions - 7 calendar days for employees taking entrance examinations for special secondary educational institutions;

j) up to 14 days for inventors who are applying for the first time for inventions or proposals outside their place of employment;

k) up to 14 calendar days for the period stated in a medical opinion for one relative caring for a sick family member;

l) up to 14 calendar days for disabled employees under the age of 18;

m) up to 7 calendar days for addressing family, life and social issues;

According to the Election Code of the Republic of Azerbaijan the registered candidate is granted with unpaid leave from the day of registration in a relevant election commission till publication of official results.

According to the second paragraph of Article 24 and fourth paragraph of Article 24 of the Law of the Republic of Azerbaijan "About Employment": "amount of benefit of an individual with a child/children under 18 has to be increased by 10% of a child benefit for each child, with a condition of addition being under 50% of the individual's benefit" and "amount of unemployment benefit of an unemployed with a child/children under 18 has to be increased by

10% of a child benefit for each child, with a condition of addition being under 50% of the unemployed benefit”.

Quotas applied to enterprises for employment of citizens in need of special social protection (youth under 20 years of age, parents with underage child or children, women with children with limited health capacity, individuals 2 years short of pensions, disabled, ex-prisoners, IDPs, war veterans and families of martyrs) along with other measures taken have positive effects.

Quotas applied to enterprises are reflected in relevant legislative acts of the Republic of Azerbaijan. Thus, according to “The Law on Employment” the state provides additional opportunities for employments of individuals of above mentioned citizens in need of special social protection and having difficulty in finding jobs by creating additional work places and specialized enterprises, organizations (as well as, workplaces in enterprises and organizations for disabled), organizing trainings with special programs and other measures.

The Decision #213 of the Cabinet of Ministers of the Republic of Azerbaijan dated November 22, 2005, sets, in defined order, quotas for citizens in need of special social protection for enterprises, offices and organizations.

The amount of quota is set, depending on status of labour market, for no more than 5% of number of employees listed in an enterprise.

The social importance of providing this type of employment is that, it gives a work opportunity to the least competitive population group, because of their age, family status, physical condition etc.

A “State Program (2007-2010) for Implementation of Employment Strategy of the Republic of Azerbaijan” was approved by the Decree #2167 of the President of the Republic of Azerbaijan, dated May 15, 2007, for execution of responsibilities in line with “Employment Strategy of the Republic of Azerbaijan (2006-2015)” approved by the Decree #1068 of the President of the Republic of Azerbaijan, dated October 26, 2005.

It is planned to take the following measures in a framework of this program: to increase supervision in enterprise, office and organizations in direction of their compliance of quotas applied for citizens with special needs, to ensure gender equality; to develop proposals for introduction of concessions for employers creating workplaces for vulnerable groups of population in addition to quotas for citizens in need of special social protection and with difficulties finding jobs as well as disabled; to improve competitiveness of women in labour market; to implement relevant policy actions to increase entrepreneurship and self employment among women; to implement measures in direction of re-training and re-specialization of female job-seekers; to improve national and cultural applied art among women for increasing self-employment; to implement policy measures for researches to identify reasons of unemployment among women.

Article 27(1b):

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to the paragraphs “e” and “g” of the first part of the Article 12 of the Labour Code an employer has obligation to take necessary steps pursuant to the enterprise by laws (statute) or collective contract to improve the working, material, and living conditions of employees and regardless of gender of an employee to create similar work conditions for employees doing the same job, apply the same penalty for the same mistake, to take measures to prevent discrimination for gender and sexual assaults.

Article 27(1c):

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

The relevant information is given in “Social Protection of the Family” paragraph of the Article 16 (Social, Legal and Economic Protection Right of the Family).

Article 27(2) üzrə:

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to the Article 127 of the Labour Code a single parent or another family member who is directly caring for a child until it is three years old, shall be eligible for partially-paid social leave in the amount determined by Legislation. An employee caring for a child may use partially paid social leave completely or in part at his discretion.

According to the Article 126 of the Labour Code a women who have adopted children under two months of age or who are raising them without adoption shall be entitled to the 56 calendar days of social leave specified for after birth, as well as to additional leave defined in Section 117 and partially-paid leave defined in Section 127 hereof.

Article 27(3):

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

According to the Article 79 of the Labour Code the employer shall be prohibited from terminating the employment contracts of the following individuals:

pregnant women and women with children under age three as well as men with children under age three;

employees whose only income source is the enterprise where they work and who are bringing up children under school age alone;

employees temporarily disabled;

employees for the reason with diabetes;

individuals because they are members of trade unions or other political parties;

employees caring for handicapped child under 18 years of age or with the family member of I group disabled;

employment contracts for individuals on vacation or on a business trip or engaged in collective bargaining may not be terminated on the basis of the grounds determined in the Article 70 of this Code.

2. The provisions of the first part of this Article shall not apply to cases of termination carried out pursuant to the paragraph “a” of the Article 70 (liquidation of an enterprise) and Article 73 (upon expiration of a labour contract) hereof.

According to the Article 164 of the Criminal Code of the Republic of Azerbaijan termination of a labour contract for the reason of pregnancy of women, women with child less than three years of age and men with child less than three years of age is punishable with 500 to 1000 manats of fine.